

30.08.2022.  
08.  
Ct.No.28  
as  
(Rejected)

**C.R.M. (DB) 2780 of 2022**

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Harwood Point Coastal P.S. Case No.170 of 2022 dated 13.05.2022 under Section 376(3) of the Indian Penal Code and Section 6 of the POCSO Act and charge sheet submitted under Sections 376(3) of the India Penal Code and adding Section 4(2) of the POCSO Act.

In the matter of : Gokul Das.

....Petitioner.

Mr. Kallol Kr. Basu,  
Mr. Anindya Sundar Das,  
Mr. Debapriya Samanta,  
Mrs. Avipsa Sarkar,  
Md. Jannat Ul Firdous,  
Ms. Tithi Mazumder.

...for the Petitioner.

Mr. Sujan Chatterjee.

...for the State.

Mr. Swarvarvanu Saha,  
Mr. Sumon Pathak.

...for the de-facto complainant.

Petitioner is in custody for 106 days. He submits he has been falsely implicated in the instant case. He prays for bail.

Learned Advocate for the State opposes the prayer for bail. He submits the accused did not co-operate with the trial court in the matter of consideration of charge.

Learned Advocate for the de-facto complainant also opposes the prayer for bail. He submits victim is not only a minor but also suffers from poor mental development.

We have considered the materials on record prima facie disclosing involvement of the petitioner in the alleged offence of penetrative sexual assault on a minor with special needs. Date

has been fixed for consideration of charge. The defence prayed for time and as a result, case was adjourned.

Keeping in mind the aforesaid incriminating materials on record, we are of the opinion this is not a fit case to grant bail to the petitioner at this stage.

Accordingly, the prayer for bail of the petitioner is rejected.

**(Ananya Bandyopadhyay,J.)**

**(Joymalya Bagchi, J.)**