

30.08.2022
Sl. No.16
akd
[Rejected]

C. R. M. (DB) 2921 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 24.08.2022 in connection with Tehatta Police Station Case No. 451 of 2022 dated 04.06.2022 under Section 376 of the Indian Penal Code and Section 4 of the POCSO Act.

And

In Re: ***Narayan Halder***

... .. Petitioner

Mr. Arnab Chatterjee
Mr. Amanul Islam
Mr. Sourav Mukherjee
Ms. Dhanasree Biswas

... .. for the petitioner

Ms. Zareen N. Khan
Mr. Ashok Das

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 76 days. It is further submitted petitioner has been falsely implicated in the instant case. It is also submitted that the victim stated she had sexual intercourse with the petitioner out of her own free will as per medical report.

Learned advocate appearing for the State opposes the prayer for bail.

We have considered the materials on record including the statement of the victim recorded under Section 164 of the Code of Criminal Procedure. In the FIR, it is recorded victim had been forcibly ravished by the petitioner, who is her uncle. She was brought to the hospital by one of her relations. Possibility of influence upon her to give an exonerative version in order to protect the petitioner who is also a relation of the victim cannot be ignored. Her statement before Magistrate unequivocally implicates the petitioner. In view of the

aforesaid materials, we are of the opinion release of the petitioner on bail would have adverse impact on the victim and affect the proper adjudication of the case. Hence, we are not inclined to grant bail to the petitioner at this stage.

The application for bail is thus **rejected**.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)