

04.04.2022

Sl. 60
Court No.29
suvayan
(rejected)

C.R.M. 8711 of 2021

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on 17.12.2021 in connection with **Karimpur** P.S. case No. **19/2021** dated **17/01/2021** under Sections **341/323/376/511** of the Indian Penal Code and Section 8 of the POCSO Act, 2012.

And

In the matter of: Ashim Biswas

....petitioner.

Mr. Rudradipta Nandy

Mr. Asraf Mandal

...for the petitioner.

Ms. Zareen N. Khan

Md. Kutub Uddin

...for the State.

Petitioner renews the prayer for bail.

Learned Advocate appearing for the petitioner submits that the petitioner is in custody for 442 days. He draws the attention of the Court to the statement of the victim recorded under Sections 161 and 164 of the Criminal Procedure Code. According to him, the victim introduced various new materials in her statement recorded under Section 164 of the Criminal Procedure Code which was not there in her statement recorded under Section 161 of the Criminal Procedure Code.

Learned Advocate appearing for the State draws attention of the Court to the materials in the case diary including the statement of the victim recorded under Section 164 of the Criminal Procedure Code. He draws the attention of the Court the fact that the torn wearing apparels of the victim was seized.

Learned Advocate appearing for the petitioner submits that the victim refused medical. There is no forensic laboratory report with regard to the wearing apparel of the victim.

In her statement recorded under Section 164 of the Criminal

Procedure Code, the victim squarely implicates the petitioner.

Considering the gravity of the offence and the involvement of the petitioner therein as transpiring from materials in the case diary and considering the age of the victim which is 11 years, we are unable to grant bail to the petitioner. Moreover, there is hardly any change in circumstances subsequent to the earlier order of rejection.

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

C.R.M. 8711 of 2021 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)