

CRM 8925 of 2021
(via video conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure ;

And

In Re : Mantosh Roy

.....Petitioner

Ms. Devi Priya Mitra

.....for the Petitioner

Mr. S. S. Imam

Mr. S. Kundu

.....for the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Raiganj Woman P.S. Case No. 101 of 2021 dated 01.07.2021 under Section 6 of the POCSO Act.

Ms. Mitra, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. He has already suffered incarceration for a period of 225 days and upon completion of investigation, charge sheet has already been submitted in the midst thereof. In the said conspectus, the petitioner may be enlarged on bail on any stringent condition.

Mr. Imam, learned advocate appearing for the State opposes the petitioner's prayer and submits that the victim is only seven years of age whereas the petitioner is aged about nineteen years. The materials in the case diary would clearly reveal direct involvement of the petitioner in the alleged offence. In support of such contention, he has drawn our attention to the statement of the victim girl, as

recorded under Sections 161 and 164 of the Code as well as the medical report.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

Prima facie, there are strong incriminating materials on record against the petitioner.

Considering the seriousness of the offence, its ramification and the extent of complicity of the petitioner in the alleged offence, we are not inclined to exercise any discretion in his favour. As such, the petitioner's prayer for bail is refused at this stage.

The application CRM 8925 of 2021 is, accordingly, dismissed.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)