

03.11.2022

35
sdas
rejected

C.R.M.(DB) No. 3164 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Gangnapur Police Station Case No. 16 of 2022 dated 17.01.2022 under Section 376AB of the Indian Penal Code read with Section 6 of the POCSO Act.

And

In Re : Prasanta @ Prasanta Kumar Bose petitioner

Ms. Sananda Bhattacharyya

....for the petitioner

Mr. Binay Panda

Ms. Puspita Saha

..... for the State

As the mother of the minor victim and the minor are present in Court today, on consent of the parties matter is taken up for hearing.

We have interviewed the mother who states out of fear she did not support the prosecution case.

Under such circumstances, we give liberty to the prosecution to pray for further examination of the mother of the minor and the minor victim under Section 311 of the Code of Criminal Procedure for a just decision of the case.

The aforesaid circumstances disclose a sinister picture of influencing witnesses. Hence, we are not inclined to grant bail to the petitioner at this stage.

Accordingly, prayer for bail is rejected.

Mother of the minor victim and the minor shall be rendered necessary police protection, support and counseling, if necessary.

Copy of the order be sent to the trial court for necessary steps.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)