

30.09.2022  
tkm/ct 28  
sl no. 69

**C.R.M. (DB) 3489 of 2022**

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Murutia PS case no. 196/2022 dated 16.08.2022 under sections 376/511 of the IPC and Sections 8/12 of the POCSO Act:

And

In Re : Mahitosh Biswas ..... petitioner

Mr. Sourav Mukherjee ..... for the petitioner

Mr. Tanmoy Kr. Ghosh

Mr. Arindam Sen ..... for the State

Petitioner is in custody for 43 days. It is contended there is delay of three months in lodging FIR. He prays for bail.

Learned lawyer for the State opposes the prayer for bail.

Victim is a psychologically challenged girl. Delay in FIR alleging sexual assault on such a victim is understandable.

Her statement implicates petitioner in the crime.

Hence, we are not inclined to grant bail to the petitioner at this stage.

Accordingly, prayer for bail is rejected.

**(Ajay Kumar Gupta, J.)**

**(Joymalya Bagchi, J.)**