

30.09.2022
tkm/ct 28
sl no. 78

C.R.M. (DB) 3498 of 2022

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Joypur Police Station Case No.105/2022 dated 31.07.2022, under Sections 376(3)/354C/506 of the Indian Penal Code and Section 06 of the Protection of Children from Sexual Offences Act, 2012(POCSO).

And

In Re : Barkat Ali Khan.

..... petitioner

Mr. Ayan Basu,
Mr. Sandip Kumar Mondal,
Mr. Sumit Routh

..... for the petitioner

Mr. Saswata Gopal Mukherjee, Id. PP
Mr. Partha Pratim Das,
Mrs. Manasi Roy

..... for the State

The petitioner is in custody for 61 days. It is submitted there is delay of six months in lodging FIR. He prays for bail.

Learned lawyer for the State opposes the prayer for bail.

We have considered the materials on record. Statements of the mother of the victim show she had been threatened by the petitioner. As a result, there was delay in lodging FIR. Minor victim was ravished in presence of her mother. Possibility of intimidation of witnesses cannot be ruled out.

In view of the gravity of the offence and for the purpose protecting vulnerable witnesses, we are of the opinion this is not a fit case to grant bail to the petitioner at this stage.

Accordingly, the prayer for bail is rejected.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)