

18.10.2022.

94

Ct.No.29.

AGM/AN

(Rejected)

C.R.M. (D.B) 3641 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Spl No. 37 of 2022 arising out of Deganga Police Station Case No. 250/2022 dated 11.04.2022 under Sections 376AB of the Indian Penal Code and Section 6 of the POCSO Act.

In the matter of : Nowsad Sarder

.... Petitioner.

Mr. Angshuman Chakraborty,
Mr. Shashanka Sekhar Saha,

...for the Petitioner.

Mr. Sudip Ghosh,
Ms. Baisali Basu,

... for the State.

Petitioner prays for bail.

Learned advocate appearing for the petitioner submits that the petitioner is in custody for 211 days. The victim in the statement recorded under Section 164 of the Code of Criminal Procedure did not name the petitioner. The petitioner belonged to the erstwhile ruling party. The father of the petitioner is a member of the present ruling party. Learned counsel for the petitioner draws the attention of the Court to the medical condition of the petitioner and submits that the petitioner is unable to stand.

Learned counsel for the State draws attention of the Court to the materials in the case diary. He relies upon the statement recorded under Section 161 of the Code of Criminal

Procedure and those recorded under Section 164 of the Code of Criminal Procedure. He submits that the said statement recorded identifies the petitioner as the perpetrator. He refers to the medical examination report of the victim as well as the forensic report.

The victim named the petitioner as the perpetrator in the statement recorded under Section 161 of the Code of Criminal Procedure. In her statement recorded under Section 164 of the Code of Criminal Procedure, the victim does not name the petitioner, in particular. She however refers to a person perpetrating crime on her.

There is a forensic report which suggests that male body fluid was found in the inner wearing apparel of the victim. The victim was eleven years of age at the time of incident.

In view of the materials in the case diary, and considering the gravity of the offence and the involvement of the petitioner therein as found from the case diary, we are unable to enlarge the petitioner on bail.

Thus, the prayer for bail is rejected.

C.R.M. 3641 of 2022 is disposed of.

(Debangsu Basak, J.)

(Ajay Kumar Gupta,J.)