

03.11.2022

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sdas/tkm

rejected

C.R.M.(DB) No. 3757 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Baruipur Women Police Station Case No. 39 of 2022 dated 12.04.2022 under Sections 363/365/376(2)(n) of the Indian Penal Code read with Section 6 of the POCSO Act.

And

In Re : Palash @ Palash Pratim Das @ Baidya petitioner

Mr. Avik Ghatak

Mr. Saibal Kumar Dasgupta

....for the petitioner

Mr. Binay Panda

Mr. Subham Bhakat

..... for the State

Learned Counsel appearing for the petitioner submits petitioner is in custody for 204 days. it is also submitted that he has been falsely implicated in the instant case. Allegation of rape is out and out false.

Learned Counsel appearing for the State opposes prayer for bail of the petitioner.

We have considered the statement of the minor girl. She states she was engaged by the petitioner in a business. She was not paid her remuneration. Subsequently she was detained in a hotel and subjected to sexual intercourse. Victim is a minor and date has been fixed for recording her evidence.

In view of nature of offence and as vulnerable witness is yet to be examined, we are not inclined to grant bail to the petitioner.

Accordingly, prayer for bail is rejected.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)