

11.11.2022.  
21.  
Ct.No.28  
as  
(Rejected)

**C.R.M. (DB) 3920 of 2022**

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Khanakul P.S. Case No.296 of 2022 dated 03.07.2022 under Sections 363/365 of the Indian Penal Code and adding Sections 376(2)(n) of the Indian Penal Code and Section 6(1) of the POCSO Act.

In the matter of : Nikhil Dhara.

... Petitioner.

Mr. Ayan Basu,  
Mr. Niladri Sekhar Ghosh,  
Ms. S. Chowdhury,  
Ms. Sompurna Chatterjee,  
Mr. Sourav Mndal.

...for the Petitioner.

Mr. Swapan Banerjee,  
Ms. Purnima Ghosh.

...for the State.

It is submitted on behalf of the petitioner that the petitioner and the victim belongs to the same locality. Though she was aware that the petitioner was a married person, she developed intimate relationship with the petitioner. Her parents protested and criminal case came to be registered. Petitioner prays for bail.

Learned Advocate for the State opposes the prayer for bail. He submits petitioner is a married person and the victim is a minor. She was unaware of the fact that the petitioner was married to another person when she cohabited with him.

We have considered the materials on record. Victim was a minor at the time when she cohabited with the petitioner. Her

statement shows that she was unaware of the fact that he was already married at the time of cohabitation.

Under such circumstances, we are not inclined to grant bail to the petitioner at this stage.

Accordingly, the prayer for bail of the petitioner is rejected.

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

**(Joymalya Bagchi, J.)**