

18.11.2022.
08.
Ct.No.28
as
(Rejected)

C.R.M. (DB) 3928 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Minakhan P.S. Case No.229 of 2018 dated 27.07.2018 under Sections 363/365 of the Indian Penal Code and adding Section 376 of the Indian Penal Code and Section 4 of the POCSO Act.

In the matter of : Saidul Sekh.

... Petitioner.

Mr. Debasis Kar,
Mr. Arka Chakraborty.

...for the Petitioner.

Mr. Saibal Bapuli, Id. A.P.P.,
Mr. Arani Bhattacharyya.

...for the State.

Heard the learned Advocates for the parties.

Evidence of the victim has been recorded. Examination-in-charge of the victim girl is placed before us. She stated she was kidnapped and wrongfully confined in a room and raped.

In view of the aforesaid material we cannot persuade ourselves to accept the submission of the learned Advocate for the petitioner that there was a consensual relationship between two young persons. We do not appreciate the deferment of cross-examination of a minor victim in view of Section 35 (1) of the POCSO Act which requires her evidence to be recorded within one month from taking cognizance.

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

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

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)

