

22.12.2022
Sl. No.26
akd
[Rejected]

C. R. M. (DB) 4511 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 15.12.2022 in connection with Habra Police Station Case No.631 of 2022 dated 29.06.2022 under Sections 376(2)(1)(n)/506/376AB of the Indian Penal Code, Section 14 of the Foreigners Act and Section 6 of the POCSO Act.

And

In Re: ***Sujan Dey @ Sujan Chandra Dey***

... .. Petitioner

Mr. Apalak Basu
Mr. Nazir Ahmed
Mr. Sujon Das
Ms. Sanghamitra Mridha

... .. for the petitioner

Mr. Parthapratim Das

... .. for the de-facto complainant

Mr. Neguive Ahmed .. Id. Addl. Public Prosecutor
Ms. Zareen N. Khan
Ms. Jonaki Saha

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 170 days. Investigation is complete.

Learned Advocate appearing for the State opposes the prayer for bail.

Learned Advocate appearing for the de-facto complainant also opposes the prayer for bail and submits that the minor was suffering from *Down syndrome*. Taking advantage of the situation, she was repeatedly violated.

We have considered the materials on record. Victim is a minor suffering from *Down syndrome*. She was repeatedly violated. In view of the gravity of the offence on a vulnerable minor victim, we are not inclined to grant bail to the petitioner at this stage.

The application for bail is thus **rejected**.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)

