

24.01.2023
Sl. No.30
akd
[Rejected]

C. R. M. (DB) 174 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 11.01.2023 in connection with Gazole Police Station Case No.760 of 2022 dated 22.09.2022 under Section 6 of the POCSO Act read with Section 9 of the Prohibition of Child Marriage Act, 2006.

And

In Re: ***Utpal Mandal***

... .. Petitioner

Mr. Rana Mukhopadhyay

... .. for the petitioner

Mr. Susnigdho Bhattacharyya

Md. Dalu Rahaman

... .. for the de-facto complainant

Mr. Swapan Banerjee

Mrs. Purnima Ghosh

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 124 days. It is further submitted there was a love affair between the parties.

Learned Advocate for the de-facto complainant opposes the prayer for bail and submits minor victim was kidnapped, intoxicated and raped.

Report is placed on record. Learned Advocate for the State also opposes the prayer for bail.

We have considered the materials on record. Statement of the minor shows she was kidnapped and raped. Vulnerable witness i.e. the victim is yet to be examined. Under such circumstances, 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.)

