

24.02.2023

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rejected

C.R.M. (DB) No. 570 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Berhampore Police Station Case No. 1271 of 2022 dated 25.09.2022 under Sections 448/376/506 of the Indian Penal Code and Section 4 of the POCSO Act.

And

In Re : Prahlad Mondal @ Prahlad Mondal petitioner

Mr. Soumyajit Das Mahapatra
Mr. Somnath Adhikary
... for the petitioner

Mr. Atif Ahmed Siddiqui
... for the State

Mr. Jayanta Narayan Chatterjee
Mr. Supreem Naskar
Ms. Jayashree Patra
Ms. Sreeparna Ghosh
Ms. Ritushree Banerjee
.... for the de facto complainant

Learned Counsel for the petitioner submits he is in custody for 153 days. There are monetary transactions between the parties. He has been falsely implicated. There is delay in lodging F.I.R. He prays for bail.

Learned Counsel for the State opposes the prayer for bail.

Learned Counsel for the de facto complainant also opposes the prayer for bail and submits relations of the petitioner had threatened the witnesses. A separate criminal case has been started.

We have considered the materials on record. Statement of the minor implicates the petitioner in the crime. It is alleged relations of the petitioner had threatened the witnesses. Vulnerable witness is yet to be examined. Under such circumstances, we do not consider it prudent to release the petitioner on bail.

The application for bail is, thus, rejected.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)