

11.04.2023

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rejected

C.R.M. (DB) No. 1157 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Baruipur Police Station Case No. 1496 of 2022 dated 14.09.2022 under Sections 363/365 of the Indian Penal Code adding Section 6 of the POCSO Act and subsequently charge-sheet submitted under Sections 363/365 of the Indian Penal Code adding Section 376(2)(n) of the Indian Penal Code read with Section 6 of the POCSO Act read with Section 9 of the Prohibition of Child Marriage Act.

And

In Re : Kartick Sardar @ Naskar petitioner

Mr. Apalak Basu

Ms. Sananda Bhattacharjee

Mr. Nazir Ahmed

... for the petitioner

Ms. Faria Hossain

Ms. Baisali Basu

... for the State

Learned Counsel for the petitioner submits there was a love affair between the parties. Petitioner prays for bail.

Learned Counsel for the State opposes the prayer for bail.

We have considered the materials on record. Minor is present in Court. She submits she was compelled to make exonerative statement before the learned Magistrate. In view of the aforesaid statement of the minor and as she has not been examined in court during trial, we do not consider it prudent to release the petitioner on bail.

The application for bail is, thus, rejected.

We are informed date has been fixed for examination of the minor. We request the trial court to examine the minor at the earliest without granting unnecessary adjournment to either of the parties.

Parties shall communicate this order to the trial court for necessary compliance.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)