

13.12.2023
SL. 61
Court No. 29
Sourav

CRA (DB) 80 of 2022
With
CRAN 1 of 2023

In the matter of: **Dinesh Adhikary**

....appellant.

Mr. Amit Ranjan Pati

... for the appellant.

Mr. Madhusudan Sur, Ld. APP

Mr. Manoranjan Mahata

... for the State.

1. Heard learned Counsel for the parties.
2. In a case of conviction and sentence under Section 6 of the POCSO Act, this petition for bail is moved mainly on two grounds: i) doubt regarding the place of occurrence i.e., the spot inasmuch as the victim herself has testified that when her mother went to the house of the appellant to bring mobile phone, she was in the house of P.W. 7, ii) learned trial Court has failed to take into consideration the previous animosity between the parties and possibility foisting of a false case against the appellant.
3. On perusal of the evidence of the victim, P.W. 7 and other witnesses, we are unable to accept the submission made by the learned Counsel for the appellant at this stage. The aforesaid two grounds needs complete reappreciation of evidence in appeal. In a sentence of 20 years, six years incarceration is not a ground to exercise discretion in favour of the appellant.
4. Accordingly, the prayer for bail is rejected.

5. The interim application being **CRAN 1 of 2023** is dismissed.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

