

03.05.2023.
22.
Ct.No.28
as
(Rejected)

C.R.M. (DB) 1546 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Coke Oven P. S. Case No. 133 of 2022 dated 19.07.2022 under Sections 363/365/376(2)(i)(f) of the Indian Penal Code read with Sections 4/6 of the POCSO Act.

In the matter of : Sonu Ram.

... Petitioner.

Mr. Amajit De,
Ms. Shakshi Rathi,
Mr. Pratik Acharjee.

...for the Petitioner.

Mr. Saibal Bapuli, Id. A.P.P.,
Mr. Soumik Ganguli.

...for the State.

Petitioner submits he is the brother-in-law of the victim.

There was a love affair between the parties. He has been falsely implicated. He prays for bail.

Learned Advocate for the State opposes the bail prayer. Minor victim is present. She submits petitioner was her brother-in-law. Due to family pressure she was compelled to make statement before Magistrate that she had voluntarily cohabited with him. She had become pregnant and underwent abortion.

We have considered the materials on record. Victim is a minor and petitioner being a relation had fiduciary control over her. Possibility of pressure on the minor to give an exonerative statement under Section 164 of the Code of Criminal Procedure cannot be ruled out. She has not been examined in Court as yet.

Under such circumstances, we are not inclined to enlarge him on bail at this stage.

Accordingly, the prayer for bail of the petitioner is rejected.

We request the trial court to expedite the trial and record the deposition of the minor at the earliest.

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

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)