

28.04.2023
Sl. No.36
akd
[Rejected]

C. R. M. (DB) 1732 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 13.04.2023 in connection with Rejinagar Police Station Case No.264 of 2022 dated 16.10.2022 under Sections 363/365 of the Indian Penal Code and Section 4 of the POCSO Act.

And

In Re: ***Mohibul Sk. @ Mahibul Mondal @ Mohibul Mondal***
... .. Petitioner

Mr. Debapriya Samanta
... .. for the petitioner

Mr. Tanmoy Kr. Ghosh
Mr. Arindam Sen
... .. for the State

It is submitted on behalf of the petitioner that the allegation levelled against him is false. Victim claimed she was going to school on the day in question. School was closed on the said day. Accordingly, he prays for bail.

Learned Advocate for the State opposes the prayer for bail.

We have considered the materials on record including the statement of the victim recorded under Section 164 of the Code of Criminal Procedure. Victim claimed she had gone out when she had been kidnapped and raped by the petitioner. Whether she had gone out to attend school or for other reasons would not wholly improbabilise her version. Under such circumstances and as the victim has not yet been examined, 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.)

