

23.08.2023.
24.
Ct.No.28
as
(Rejected)

C.R.M. (DB) 3133 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Bauria P.S. Case No.290 of 2018 dated 28.12.2018 under Sections 363/323 of the Indian Penal Code and Section 6 of the POCSO Act and under Section 9 of the Prohibition of Child Marriage Act.

In the matter of : Rohit Rajbhar @ Rohit Kumar.
... Petitioner.

Mr. Satadru Lahiri,
Mr. Abhirup Chakraborty,
Mr. Safdar Azam,
Mr. Syed Wasim Faruque,
Mr. Jyotirmoy Talukder.

...for the Petitioner.

Mr. Saibal Bapuli, Id. A.P.P.,
Ms. Sayanti Santra.

...for the State.

1. Petitioner submits there was a romantic relationship between the parties and they had eloped. Subsequently, he has been falsely implicated in the case. Petitioner is suffering from injury in the eye. No medical attention has been extended to him. He prays for bail.
2. Learned Advocate for the State opposes the bail prayer. He submits petitioner had kidnapped the victim and had taken her to a different State. His bail prayer was rejected earlier on merits.
3. We have considered the materials on record. Statement of the minor victim *prima facie* discloses a case of kidnapping and rape. Minor has not been examined as yet. Bail prayer of

the petitioner was rejected earlier on merits. There is no change in circumstance since then.

4. Hence, we are not inclined to grant bail to the petitioner at this stage.

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

6. With regard to the plea that he is suffering from injuries in the eye, we direct the Correctional Home authorities to ensure prompt medical attention to the petitioner including institutional treatment, if necessary.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)