

22.09.2023.
34.
Ct.No.28
as
(Rejected)

C.R.M. (DB) 3680 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Gazole P.S. Case No.458 of 2020 dated 09.10.2020 under Section 376 of the Indian Penal Code read with Section 6 of the POCSO Act.

In the matter of : **Amal Mandal.**

... Petitioner.

Md. Wasim Akram,

...for the Petitioner.

Mr. P. K. Datta, Id. A.P.P.,
Mr. Santanu Deb Roy.

...for the State.

1. Petitioner is in custody over 1000 days. He prays for bail on the ground of delay.
2. Learned Advocate for the State submits petitioner is the father of the minor victim. He had violated her. Victim has not yet been examined.
3. We have considered the materials on record. Statement of the minor implicates the petitioner. Her own father had subjected her to penetrative sexual assault. Vulnerable witness has not yet been examined.
4. Keeping in mind the possibility of undue influence on the minor in view of the nature of relationship between them, we are not inclined to grant bail to the petitioner at this stage.
5. Accordingly, the prayer for bail of the petitioner is rejected.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)