

16.10.2023

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rejected

C.R.M.(DB) No. 3819 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kashipur Police Station Case No. 276 of 2022 dated 06.06.2022 under Sections 363/365/120B of the Indian Penal Code adding Section 376(2)(n) of the Indian Penal Code and Section 6 of the POCSO Act.

And

In Re : Ajit Ghosh Petitioner

Mr. Sutanuka Chowdhury

....for the petitioner

Mr. Rudradipta Nandy, learned APP

Ms. Sonali Das

..... for the State

1. Learned Counsel for the petitioner submits there was a love affair between the parties. They have married to each other. He prays for bail.

2. Learned Counsel for the State opposes the bail prayer.

3. We have considered the materials on record including the statement of the minor victim. She stated she was given a mango to eat. Thereafter she became senseless. When she woke up she found she was unclothed and was detained in a room. In view of nature of statement of the minor we are not inclined to grant bail to the petitioner.

4. The application for bail is, thus, rejected.

5. We request the trial court to examine the minor victim positively within 30 days from the next date fixed for recording evidence.

6. Parties shall co-operate and communicate this order to the trial court for due compliance.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)