

02.11.2023

Court No.8

Item. 41

(Suvendu/Sandip)

CRM(DB) 4200 OF 2023

In Re: An application for Bail under Section 439 of the Code of Criminal Procedure, 1973 filed in connection with Domkal Police Station Case No. 274 of 2023 dated 29.04.2023 under Section 376(D) of the Indian Penal Code, 1860 and under Section 6 of the Protection of Children from Sexual Offences Act, 2012 pending in the Court of the learned Judge, Special (POCSO) Court, Berhampore, Murshidabad.

And

In the matter of: Sanowar Malitha @ Sanuyar Hossain

.Petitioner.

Mr. Anakan Das

Mr. Abhrajit Roy Chowdhury

for the Petitioner.

Mr. Swapan Banerjee

Ms. Purnima Ghosh

for the State.

1. Learned counsel for the petitioner contends that there are several discrepancies in the prosecution case as regards the identity of the offenders.
2. However, on a perusal of the Case Diary and upon hearing submissions of learned counsel for the petitioner as well as the State, we are of the opinion that the strong presumption under the POCSO Act cannot be diluted in the facts of the case for the purpose of bail. Accordingly, CRM (DB) 4200 of 2023 is dismissed.

(SABYASACHI BHATTACHARYYA, J.)

(PARTHA SARATHI CHATTERJEE, J.)