

23.11.2023
Sl. No.22
akd
[Rejected]

C. R. M. (DB) 4272 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 19.10.2023 in connection with Kotwali Police Station Case No.685 of 2023 dated 19.07.2023 under Section 376AB of the Indian Penal Code and Section 6(1) of the POCSO Act.

And

In Re: ***Nemai Biswas***

... .. Petitioner

Ms. Anasuya Sinha
Ms. Roma Roy

... .. for the petitioner

Mr. Narayan Prasad Agarwala
Ms. Pritha Paul

... .. for the State

1. It is submitted on behalf of the petitioner that the allegation of forcible rape on the minor is out and out false. It is further submitted petitioner has been falsely implicated due to prior enmity. There is delay in lodging FIR. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits the act of forcible rape was videographed which was seized in the course of investigation.
3. We have considered the materials on record. Statement of the minor implicates the petitioner in the act of forcible rape. Her statement is corroborated by other witnesses including videography. Under such circumstances and in view of gravity of the offence, we are not inclined to grant bail to the petitioner at this stage.
4. The application for bail is thus rejected.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)

