

07.02.2024
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rejected

C.R.M.(DB) No. 382 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Bhagwanpur Police Station Case No. 145 of 2022 dated 19.04.2022 under Section 376AB of the Indian Penal Code read with Sections 10/4/6(1) of the POCSO Act.

And
In Re : Amar Ghorai petitioner

Ms. Shraboni Sarkar
....for the petitioner

Mr. Joydeep Roy
Mr. Palash Majhi
.... for the State

1. Learned Counsel for the petitioner submits he has been falsely implicated. He prays for bail.

2. Learned Counsel for the State opposes the prayer for bail and submits petitioner is the grandfather of an eleven year old child who was raped. He has resorted to subterfuges to dilate the proceeding.

3. We have considered the materials on record. Allegations against the petitioner are grave. It is alleged he had raped his own granddaughter. It is argued that he has been falsely implicated. However, petitioner has not shown eagerness to participate in the proceeding and prove his innocence. On a number of occasions he played hide and seek with the trial court and claimed that he was not represented by a lawyer. Strangely

his case is argued by a competent lawyer before us. In view of the aforesaid stance by the petitioner and gravity of the offence, we are not inclined to grant bail to the petitioner at this stage.

4. Application for bail is, thus, rejected.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)