

29.02.2024

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sdas

rejected

C.R.M.(DB) No. 455 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Khargram Police Station Case No. 410 of 2023 dated 26.10.2023 under Sections 417/376 of the Indian Penal Code read with Section 6 of the POCSO Act.

And

In Re : Osman Ali @ Usman Sk. Petitioner

Mr. Manas Kumar Das

....for the petitioner

Mr. Nuguive Ahamed, learned APP

Mr. Goutam Wilson

..... for the State

1. Inadvertent typographical error had crept into the order dated 13.02.2024.

2. In the cause title portion of the order the words 'CRN (DB) 455 of 2024' shall be read as 'CRM (DB) 455 of 2024'. Department is directed to incorporate the necessary correction in the said order.

3. Other portions of the order shall remain the same.

4. Corrected certified copy of the order be handed over to the parties upon submission of the certified copy, if any, already issued to them.

5. Learned Counsel for the petitioner submits there was a romantic relationship between the parties. Accordingly, he prays for bail.

6. Learned Counsel for the State opposes the prayer for bail and submits victim is a minor and had given birth of a child.

7. We have considered the materials on record. Though it is alleged there was consensual association we note victim is a minor. She is yet to be examined in Court. Under such circumstances and in view of gravity of the offence, we are not inclined to grant bail to the petitioner at this stage.

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

9. Trial court is directed to examine the victim at the earliest without granting unnecessary adjournment to either of the parties.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)