

08.03.2024.
19.
Ct.No.28
as
(Rejected)

C.R.M. (DB) 522 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection Bagmundi P.S. Case No.77 of 2023 dated 03.06.2023 under Sections 363/365 of the Indian Penal Code read with Section 6 of the POCSO Act.

In the matter of : **Sanjoy Mahato.**

... Petitioner.

Mr. Falguni Bandyopadhyay,
Ms. Riya Ballav.

...for the Petitioner.

Mr. Joydeep Roy, Id. Jr. Govt. Adv.,
Mr. Goutam Wilson.

...for the State.

Ms. Trina Mitra.

...for the de-facto complainant.

1. Heard the learned Advocates for the parties.
2. We have considered the materials on record. Petitioner is in custody for 270 days. However, statement of the minor shows she had been kidnapped and subjected to penetrative sexual assault. She is yet to be examined.
3. Under such circumstances, we are not inclined to grant bail to the petitioner at this stage.
4. Accordingly, the prayer for bail of the petitioner is rejected.
5. Trial court is requested to consider the issue of framing of charge and in the event charge is framed to examine the minor at the earliest.

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

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)