

02.04.2024
Sl. No.33
akd
[Rejected]

C. R. M. (DB) 786 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 26.02.2024 in connection with Raninagar Police Station Case No.475 of 2023 dated 31.08.2023 under Sections 448/376 of the Indian Penal Code read with Section 6 of the POCSO Act and subsequently charge sheet submitted under Sections 448/376(2)(i) of the Indian Penal Code read with Section 6 of the POCSO Act.

And

In Re: ***Nirapada Mondal @ Kalu***

... .. Petitioner

Mr. Soumyajit Das Mahapatra
Mr. Ali Ahsan Alamgir
Ms. Rabia Khatoon
Ms. Soma Mal

... .. for the petitioner

Mr. Ashim Kumar Chakraborti

... .. for the de-facto complainant

Ms. Zareen N. Khan
Mr. Sujoy Sarkar

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about seven months. It is further submitted there is a civil dispute between the brother of the petitioner and the father of the victim. As a consequence, he has been falsely implicated. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits victim is a special child and had been sexually exploited.
3. Learned Advocate for the de-facto complainant also opposes the prayer for bail and submits victim has not yet been examined.
4. We have considered the materials on record. Victim is a special child. Due to her special condition her statement could not be recorded. Date has been fixed for her examination before the court with the help of an interpreter. There are ample materials implicating

the petitioner. Under such circumstances, we are not inclined to grant bail to the petitioner at this stage.

5. The application for bail is thus rejected.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)