

19.03.2024
Sl. No.63
akd
[Rejected]

C. R. M. (DB) 859 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 11.03.2024 in connection with Ashoknagar Police Station Case No.02 of 2024 dated 01.01.2024 under Section 376AB of the Indian Penal Code and Section 6 of the POCSO Act.

And

In Re: **Dipak Das**

... .. Petitioner

Mr. Parthapratim Das
Mr. Monajit Chakraborti

... .. for the petitioner

Mr. Soumik Ganguli

... .. for the State

1. Petitioner is a septuagenarian.
2. It is submitted on behalf of the petitioner that he is the landlord and the victim's family is his tenant. Owing to prior enmity petitioner has been falsely implicated. There is no injury on the private parts of the victim. Accordingly, he prays for bail.
3. Learned Advocate for the State opposes the prayer for bail.
4. We have considered the materials on record. Victim is a three year old child. Mother of the victim alleged while she had gone to attend a phone call, petitioner had violated the minor. Nothing is placed on record to probabalise prior enmity between the parties. Under such circumstances and in view of gravity of the offence, 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.)

