

26.04.2024
Sl. No.22
akd
[Rejected]

C. R. M. (DB) 1109 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 02.04.2024 in connection with Dholahat Police Station Case No.361 of 2023 dated 22.07.2023 under Sections 363/365 of the Indian Penal Code and subsequently charge sheet submitted under Sections 363/365/366/376(2)(n)/376(3) of the Indian Penal Code, Section 9 of the Prohibition of Child Marriage Act, 2006 and Section 6(1) of the POCSO Act.

And

In Re: ***Dudhiram Naiya @ Dudh Kumar Naiya***
... .. Petitioner

Mr. Angshuman Chakraborty
Mr. Shashanka Shekhar Saha
... .. for the petitioner

Mr. Gouranga Kumar Das
Mr. Kapil Chandra Sahoo
... .. for the victim

Mr. Joydeep Roy .. Jr. Govt. Advocate
Md. Sahinur Zaman
... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for more than nine months. It is further submitted there was a romantic relationship between the petitioner and the victim. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail.
3. Learned Advocate for the victim also opposes the prayer for bail and submits petitioner was a married man. He intended to traffic the minor.
4. We have considered the materials on record. Petitioner is a married person with three children. He seduced the minor and had sexual intercourse. Minor is yet to be examined. Date is fixed for recording evidence. Under such circumstances, we are not inclined to grant bail to the petitioner at this stage.

5. The application for bail is thus rejected.
6. Trial court is directed to examine the minor at the earliest. Parties shall cooperate with the trial court in that regard. Cessation of work by lawyers shall not stand in the way of progress in trial.
7. Parties shall communicate a copy of this order to the trial court for due compliance.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)