

26.04.2024.
28.
Ct.No.28
as
(Rejected)

C.R.M. (DB) 1319 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection Habra P.S. Case No.449 of 2023 dated 16.05.2023 under Sections 376(2)(f)/376(3)/506 of the Indian Penal Code and Section 4 of the POCSO Act and charge sheet submitted under Sections 376(2)(f)/376(3)/506 of the Indian Penal Code and under Sections 4/6 of the POCSO Act.

In the matter of : **Sandip Biswas.**

... Petitioner.

Mr. Manojit Debnath.

...for the Petitioner.

Mr. Anand Keshari,
Mr. Aritra Bhattacharya.

...for the State.

Mr. Malay Bhattacharyya,
Mr. Subhrajyoti Ghosh.

...for the de-facto complainant.

1. Petitioner is in custody for about a year. There is delay in lodging First Information Report. Accordingly, he prays for bail.

2. Learned Advocate for the State opposes the bail prayer.

3. Learned Advocate for the victim also opposes the bail prayer.

4. We have considered the evidence of the victim. She alleged petitioner had subjected her to sexual assault. Initially she was unable to come out with the incident. Later she disclosed to her mother and grand mother. In the aforesaid fact delay in lodging FIR cannot be said to be unnatural.

5. Bearing in mind the incriminating materials on record and gravity of offence, we are not inclined to grant bail to the petitioner.

6. Accordingly, the prayer for bail of the petitioner is rejected.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)