

CRM (DB) 1623 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Hasnabad Police Station** Case No. **232 of 2023** dated **08.06.2023** under Sections **363/365/376D** of the Indian Penal Code and **Section 6 of the POCSO** Act.

- A n d -

In the matter of : Mijanur Gazi @ Mijan @ Rohit Sk.

.... Petitioner.

Mr. Kollol Kumar Basu,
Md. Jannat Ul Firdous,

... For the Petitioner.

Mr. Soumik Ganguly,
Mrs. Rituparna Saha,

... For the State.

The allegation against the petitioner is of abduction and rape of the victim girl who was a minor at the time of the occurrence of the alleged offence. Hence, Section 6 of the POCSO Act has also been pressed into service.

The petitioner says that there was an affair between him and the victim girl. Subsequently, upon the petitioner refusing to marry the victim girl, false complaint has been lodged against him. He is in custody for 170 days. Investigation is complete and charge sheet has been submitted. His continued detention is not necessary.

Learned Advocate for the State as also learned Advocate for the defacto complainant oppose the prayer for bail. Our attention is drawn to statements of the victim girl recorded under Section 164 of the Cr. P. C. The statements are to the effect that the victim girl was enticed away from her village to Kolkata. Upon

the victim girl demanding that the petitioner marries her, she was beaten up. She was raped by the petitioner and her associates.

In view of the serious nature of the charge and prima facie incriminating materials against the petitioner, although charge sheet has been filed, we are not inclined to grant bail to the petitioner at this stage.

CRM (DB) 1623 of 2024 is, thus, dismissed.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)