

24.06.2024
Item no. 61.
Court No.28.
AB
(Rejected)

CRM (DB) 1672 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure in connection with Ranaghat Women P. S. Case No.14 of 2024 dated 7.2.2024 under Section 448/354B 376DB/376D/323/325/109 of the Indian Penal Code read with Section 6 /17 of the POCSO Act

And

In the matter of : Swapan Kundu

.....Petitioner.

Ms. Subhasree Patel,
Ms. Saini Dasfor the Petitioner.

Ms. Z. N. Khan,
Ms. Diksha Ghoshfor the State.

Mr. Sumanta Dasfor the Defacto complainant.

The petitioner is one of three accused persons. The allegations are serious. The allegation is of gang raping a nine year old girl. Sections 6 and 17 of the Protection of Children from Sexual Offences Act, 2012, have also been invoked.

The petitioner says that he has been framed. On the date and time of the alleged incident, he was in office. He has a perfect alibi.

We have seen the material in the case diary including the statement of the survivor girl recorded under Section 164 Cr.P.C. She implicates this petitioner by name. We have also seen the medical report, which corroborates the victim girl's statement.

In view of the prima facie incriminating material against the petitioner, although charge sheet may have been submitted upon completion of investigation, we are not inclined to enlarge the petitioner on bail given the gravity of the charge.

The prayer for bail is, accordingly, rejected, at this stage.

CRM (DB) 1672 of 2024 is dismissed.

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

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)