

CRM (DB) 1744 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Jangipur Women Police Station** Case No. **16 of 2018** dated **16.08.2018** under Sections **4** of the POCSO Act, 2012.

- A n d -

In the matter of : Bubai Saha

.... Petitioner.

Mr. Arindam Chattopadhyay,
Mrs. Lipika Chatterjee,
Mr. Soumik Dey,
Mrs. Tapati Saha,

... For the Petitioner.

Mr. Saibal Bapuli,
Mr. D. Datta

... For the State.

The petitioner says that he is in custody for 74 days. He is not the prime accused. The charge against him is only of aiding and abetting an offence under Section 4 of the POCSO Act. The provision of POCSO Act invoked against him is Section 17. The principal accused has been granted bail. He should also be released on bail.

While opposing the prayer for bail, learned Advocate for the State draws our attention to the statement of the victim girl recorded under Section 164 of the Code of Criminal Procedure. The girl was 13 years old at the time of occurrence. The complicity of this petitioner in the alleged crime is *prima facie* apparent.

We are also told by learned Advocate for the State that after the charge sheet was filed, wherein the petitioner's name appeared as an accused, the petitioner was absconding for six

years. Thereafter, he applied for anticipatory bail before this Court. Such application was rejected by a Coordinate Bench by an order dated March 27, 2024, passed in CRM (A) 884 of 2024. He submits that if granted bail, there is a very good chance of the petitioner absconding again.

We have to agree with the learned Advocate for the State. The conduct of the petitioner has not been happy at all. There is every chance of the petitioner vanishing into thin air if we enlarge him on bail.

We are not inclined to enlarge the petitioner on bail at this stage.

CRM (DB) 1744 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.)