

29.01.2024

DL-22
Court no.28
(AD)
(Rejected)

C.R.M.(DB) 4586 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Sagardighi** Police Station Case No. **479 of 2023** dated **25.09.2023** under Section **376** of the Indian Penal Code and Section **6** of Protection of Children from Sexual Offences Act. (POCSO Case No.40 of 2023).

And

In Re : Ali Aktar @ Aktar Ali Petitioner

Mr. Manas Kumar Das
Mr. Aritra Kumar Thokdar

.... for the petitioner

Mr. Binoy Kumar Panda
Mr. S. Kundu

.... for the State

Mr. Sandip Chakraborty
Mr. Kaustav Das

... for the de facto complainant.

1. Petitioner submits that he is in custody for four months. There was a romantic relationship between the parties. Initially FIR does not disclose the allegation of rape. Subsequently, the present case was registered alleging rape. He prays for bail.

2. Learned Lawyer appearing for the State opposes the bail prayer. He contends that petitioner had uploaded objectionable photos of the minor in a social media site and blackmailed her. On similar grounds victim also opposes the bail prayer.

3. We have considered the materials-on-record.

4. Initially FIR was registered alleging that petitioner had proposed love to the victim and thereafter kidnapped her. Subsequently, the present case has been registered alleging rape.

5. Statement of the victim shows that petitioner made romantic proposals to her and thereafter blackmailed her by circulating objectionable pictures. Mobile phone of the petitioner has been seized and sent for FSL examination. Victim is yet to be examined.

6. Under such circumstances, we do not wish to grant bail to the petitioner.

7. We request the trial court to consider the issue of framing of charge at the earliest and in the event, charge is framed to proceed to examine the victim preferably within three months from the next date fixed before the said Court. Parties shall cooperate with the trial court in that regard.

8. Parties shall communicate this order to the trial court for necessary compliance.

9. The application for bail being **C.R.M.(DB) 4586 of 2023** is, thus, rejected.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)