

05.01.2024.  
33.  
Ct.No.28  
as  
(Rejected)

**C.R.M. (DB) 4860 of 2023**

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Bamongola P.S. Case No.99 of 2022 dated 10.04.2022 under Sections 313/304/120B/34 of the Indian Penal Code and Sections 6/21 of the POCSO Act.

In the matter of : **Goutam Khatriya @ Goutam Singha.**  
... Petitioner.

Mr. Pawan Kr. Gupta,  
Ms. Sofia Nesar,  
Mr. Santanu Sett.

...for the Petitioner.

Mr. Debabrata Chatterjee,  
Mr. Mirza Firoj Ahmed Begg.

...for the State.

1. Petitioner contends there is no direct evidence that he had raped the victim. He has been falsely implicated. Accordingly, he prays for bail.

2. Learned Advocate for State opposes the bail prayer.

3. We have considered the materials on record. Statements of witnesses show petitioner had free mixing with the victim. Subsequently, victim was found to be pregnant. Petitioner also played a role in administering medicines to the victim for miscarriage.

4. In view of the principal role played by the petitioner in the crime, we are not inclined to grant bail to petitioner at this stage.

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

**(Gaurang Kanth, J.)**

**(Joymalya Bagchi, J.)**