

CRM (DB) 477 of 2025

In re: An application for bail under Section 439 of the Code of Criminal Procedure/Section 483 of the BNSS in connection with **Deganga Police Station** Case No. **130 of 2024** dated **05.03.2024** under Sections **376AB** of the IPC and Section 6 of the POCSO Act.

- A n d -

In the matter of : XXXX

.... Petitioner.

Mr. Navanil De,
Mr. R. Chakraborty,
Ms. S. Mazumder,

... For the Petitioner.

Ms. Sonali Das,
Mr. K. Banerjee,

... for the State.

Ms. Anasuya Bhattacharyya,
Ms. Munmun Chakraborty,

.... For the defacto complainant.

Dictated by Arijit Banerjee, J:-

1. The petitioner says that he has been falsely implicated. This will be borne out from the inconsistencies in the depositions of the victim girl and her mother. Learned Advocate draws our attention to such depositions. The petitioner says that he is in custody for about a year. Only the 2nd prosecution witness is in the process of being examined. He prays for bail.

2. Learned State Advocate and learned Advocate for the defacto complainant oppose the bail prayer.

3. We see that the petitioner is the paternal grand-father of the victim girl who was all of 10 years old at the time of the incident. She vividly narrates in her evidence how her grand-father sexually assaulted her. The medical report *prima facie* supports the prosecution case.

4. We do not find, *prima facie* any major inconsistency between the evidence of the victim girl and her mother. In any event, it is for the learned Trial Court to assist the quality of the evidence.

5. We find *prima facie* incriminating material against the petitioner. The trial is in progress. The alleged crime is of heinous nature. We are not inclined to enlarge the petitioner on bail, at this stage.

6. CRM (DB) 477 of 2025 is, thus, dismissed.

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

(Om Narayan Rai, J.)

(Arijit Banerjee, J.)