

CRM (DB) 4128 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure/Section 483 of the BNSS in connection with **Kaliachak Police Station** Case No. **732 of 2024** dated **25.05.2024** under Sections **363/365/376D/376DA/376(3)/34** of the Indian Penal Code and Section 6 of the POCSO Act.

- A n d -

In the matter of : Mabud Sk.

.... Petitioner.

Mr. Tapodip Gupta,
Mr. Suman Bhanja,

... For the Petitioner.

Mr. Dhananjoy Banerjee,

... for the defacto complainant.

Mr. Partha Pratim Das,

.... For the State.

Dictated by Apurba Sinha Ray, J:-

1. Learned Advocate for the petitioner submits that the petitioner is in custody for about eight months. The medical reports do not support the prosecution case. The present petitioner has been falsely implicated in this case. Considering his period of detention and also the fact that the investigation is complete, he may be enlarged on bail on any condition.

2. Learned Advocates for the State and defacto complainant oppose the bail prayer. Learned State Advocate says that there are sufficient incriminating materials showing that two minor girls were raped by the present petitioner and others. There is every chance of the petitioner fleeing away from the course of justice, if enlarged on bail.

3. We have considered the materials on record. There are sufficient incriminating materials in the case diary against the

present petitioner. We have also considered the statement of the victim girl recorded under Section 164 of the Criminal Procedure Code.

4. In view of the aforesaid, we are not inclined to enlarge the petitioner on bail, at this stage.

5. CRM (DB) 4128 of 2024 is, thus, dismissed.

6. 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.)