

CRM (DB) 4230 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 **Habibpur Police Station** Case No. **231 of 2024** dated **28.08.2024** under Sections **4** of the POCSO Act.

- A n d -

In the matter of : Subodh Mondal

.... Petitioner.

Ms. Sujata Das,

... For the Petitioner.

Ms. Baisali Basu,

Ms. Nandini Chatterjee,

... for the State.

Dictated by Arijit Banerjee, J:-

1. The petitioner says that he is in custody for 155 days. He has been falsely implicated. He is a quack doctor. The victim girl used to come to her for training. Because of a dispute with her, the victim girl has falsely implicated the petitioner.

2. From the affidavit of service filed in court today we find that the defacto complainant/victim girl has received notice of this bail application.

3. In spite of service, none appears for them.

4. Opposing the bail prayer, learned Advocate for the State draws our attention to the statement of the victim girl who was 16 years of age at the time of the alleged incident, recorded under Section 164 of the Code of Criminal Procedure. She vividly describes the heinous incident of penetrative sexual assault by the petitioner on her. The medical report *prima facie* supports the prosecution case.

5. In view of the aforesaid and noting that February 7, 2025 is the date fixed for recording of evidence, we are not inclined to enlarge the petitioner on bail, at this stage.

6. CRM (DB) 4230 of 2024 is, thus, dismissed.

7. 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.)