

04.09.2020

BP
Sl.57

CRM 6096 of 2020
With
CRAN 4575 of 2020

(Via Video Conference)

In re: An application for bail under Section 439 of the Code of Criminal Procedure, 1973 in connection with Serampore Women Police Station Case No. 13 of 2020 dated 17.03.2020 under Sections 376(2)(f)/506/328 of the Indian Penal Code.

In the matter of : Partha Talukdar
petitioner

Mr. Debasis Kar
Mr. Subhajit Chowdhury
Mr. Husen Mustafi
..for the petitioner.

Mr. Rana Mukherjee
Ms. Zareen Khan
Ms. Sima Biswas
..for the State.

Learned advocate for the petitioner submits that the petitioner and the complainant are the consenting parties as both of them are major. As the charge-sheet has already been submitted Learned Advocate submits further detention of the petitioner is unwarranted. He further adds that the first information report comprises of long ten page narration of facts which

have no relevance to the offences as defined under the penal code and the petitioner being innocent of the charges has unnecessarily been detained behind the bars.

Mr. Rana Mukherjee, learned Public Prosecutor on behalf of the State produces the case diary and draws the attention of this court to the statement of different witnesses which is not only restricted to the complainant but also to other witnesses.

We have perused the materials on record including the list of witnesses relied upon by the prosecution in the charge-sheet.

We have found in the charge-sheet that apart from the charge-sheet witness no.1 Aishi Ghosh there are two other witnesses being charge-sheet witness nos. 5 and 6. Having considered the statement of charge-sheeted witness nos. 5 and 6 and the fact that the petitioner was discharging the duty of a teacher wherein the allegation has been made not only by the complainant but also substantiated by charge-sheeted witness nos. 5 and 6, we are of the opinion that the conduct of the petitioner does not inspire us to release him on bail. Further the case is yet to be committed to the court of sessions and there is every possibility of the witnesses being tampered.

Having anxiously considered the case from the

angle of nature and gravity of the offence and the previous antecedents of the petitioner in respect of the charge-sheeted witness nos. 5 and 6, we are not inclined to release the petitioner on bail at this stage.

Accordingly, the prayer for bail is rejected.

The application for bail being C.R.M. 6096 of 2020 and CRAN 4575 of 2020 are disposed of.

(Samapti Chatterjee, J.)

(Tirthankar Ghosh, J.)