

16.09.2020

Item no. 8

Ct.23

CHC

Rejected

C.R.M. No.6448 of 2020

C.R.A.N.1 of 2020

(Via Video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure in connection with Murutia Police Station Case No. 141 of 2019 dated 30.07.2019 under Section 376AB of the Indian Penal Code and under Section 6 of POCSO Act.

And

In the matter of:-

Paresh Bairagya

... Petitioner

Ms. Karabi Roy

.. for the petitioner

Ms. Zareen N. Khan

..for the State

The petitioner undertakes to affirm and stamp the petition/application as per Rules within one month of resumption of normal functioning of the Court. Subject to such undertaking, the application is taken up for hearing through video conference.

Learned advocate for the petitioner submits that without looking into other documents this Court should may allow the prayer for bail taking into consideration that the accused/petitioner is in custody over 443 days his personal liberty has been curtailed without any justification.

We have gone through the records, particularly, the medical examination report and statement of the victim aged 11 year recorded under Section 164 Cr.P.C which reveals that she was brutally tortured apart from the allegation of physical violence on her person and such statement gets corroboration from the medical examination report. In view of such opinion, we are unable to consider the petitioner's prayer for bail.

Prayer for bail of the petitioner is rejected.

CRM 6448 of 2020 and CRAN 1 of 2020 are disposed of.

(Kausik Chanda, J.)

(Sahidullah Munshi, J.)