

20.10.2020
Ct. No. 8
Item No.1
(D/L)
abhar/bdutta

CRM 7899 of 2020
(Via Video Conference)

In Re: An application for Bail under Section 439 of the Code of Criminal Procedure in connection with Serampore Women P. S. Case No. 13 of 2020 dated 17.03.2020 under Sections 376(2)(f)/506/328 of the Indian Penal Code.

and

In the matter of: Partha Talukdar

..... Petitioner

Ms. Soma Chowdhury (Bandhu).

.....for the Petitioner

Mr. Rana Mukherjee

..... for the State

The learned advocate for the petitioner undertakes to affirm and stamp the petition/application as per Rules within 48 hours of resumption of normal functioning of the Court. Subject to such undertaking, the application is taken up.

This is the third application for bail at the behest of the petitioner. The last application for bail was rejected on 4th September, 2020 with categorical observations that apart from the charge-sheet witness no. 1, there are two other witnesses who have divulged various misdeeds of the petitioner and in the event, the petitioner is released on bail, there is every possibility of tampering the witnesses.

The learned advocate for the petitioner submits that the petitioner is detained in custody for 132 days and no further custodial interrogation is required as the charge-sheet has already been submitted. It is further submitted that the petitioner being the professor has the highest reputation in the society and the stigma which has been imputed on his character has already tarnished his image and any further detention would aggravate the case.

The learned advocate appearing for the State opposes the prayer for bail. It is submitted that there are materials unearthed during investigation on the character of the petitioner and his alleged involvement to the aforesaid offences and complicity to such offences cannot be ruled out. It is further submitted that the investigation was completed and the final report in the form of charge-sheet was also filed by the Investigating Officer and, in fact, the case has been

committed to the Court of Sessions. There is no delay in investigation and if the petitioner is released at this stage, it would be very difficult for the Investigating Officer to secure the credibility of the witnesses and the observation of the Division Bench in the earlier application would ultimately be proved to be correct.

It is no doubt true that the case has been lodged against the petitioner alleging serious offences. Earlier two applications were rejected though at the stage of investigation but the charge-sheet filed before the Magistrate appears to contain serious and incriminating materials against the petitioner. Furthermore, other students of the petitioner have also volunteered and recorded their statements including the wife of the petitioner, which appears to be serious in nature. The conduct of the petitioner does not instill any confidence in us that he is entitled to be enlarged on bail. Accordingly, the prayer for bail is rejected.

The application for bail being C.R.M. 7899 of 2020 is dismissed.

(Ravi Krishan Kapur, J)

(Harish Tandon, J.)