

20.10.2020

CRM 8002 of 2020

COURT NO. 08
ITEM NO. 14
SNANDY

(BAIL - REJECTED)

In Re:- An application for bail under Section **439** of the Code of Criminal Procedure filed on 06.10.2020 in connection with Bhaktinagar Police Station Case No. 293 of 2019 dated 22.04.2019 under Sections 6/17 of the Protection of Children from Sexual Offences Act.

And

In the matter of : **Rakesh Debnath**

...Petitioner

Mr. Anirban Banerjee, Advocate
Mr. Aniruddha Biswas, Advocate

...for the Petitioner

Mr. Aditi Shankar Chakraborty, Ld. Addl. Public Prosecutor

...for the State

Petitioner undertakes to affirm and stamp the petition/ application as per Rules within one month from date. Subject to such undertaking, the application is taken up for hearing.

Learned Advocate of the petitioner submits that the petitioner is in custody for more than one year three months in connection with the instant case where his involvement is negligible. It is further submitted that there was a love affair with the victim and the instant case has been launched against the petitioner.

The learned Advocate for the State opposes the prayer for bail. It is submitted that the statement of the victim recorded under Section 164 of the Code of Criminal Procedure would corroborate the allegations made against the petitioner. It is further submitted that the medical report would also support the case of the victim as certain injuries were noticed on the person of the victim.

Considering the submissions so advanced by the respective counsel and the gravity of the offence, more particularly, that the victim was just above 12 years of age at the time of commission of the offence, we do not feel that it is a fit case where the petitioner should be enlarged on bail.

Prayer for bail is thus **rejected**.

The application being **CRM 8002 of 2020** is **dismissed**.

(Ravi Krishan Kapur, J)

(Harish Tandon, J)