

12.11.2020
Item no. 39
Ct.8
KAUSHIK/CHC
Rejected

C.R.M. No.9109 of 2020

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Mandarmoni Castal Police Station Case no.47 of 2019 dated 02.11.2019 under Sections 366A/368/370/370A/372/373/120B/34 of the Indian Penal Code and Sections 4/4/4/6/7/9 of the Immoral Traffic (Prevention) Act and under Sections 4/17/21 of the Protection of Children from Sexual Offence Act, 2012.

And

In the matter of:-

Biswarup Giri @ Bisu

... Petitioner

Mr. Amitabha Karmakar

...for the petitioner

Mr. Imran Ali,

Ms. Sema Biswas

...for the State

It is submitted on behalf of the petitioner that he is in custody for last 254 days and charge sheet has been submitted against six accused persons including the petitioner and one Gautam Chowdhury.

It is further pointed out that Gautam Chowdhury has been enlarged on bail who happened to be king pin of the case and such enlargement of bail was granted by a coordinate Bench of this Hon'ble Court.

We have perused the Case Diary and statement of the witnesses. The petitioner's role is writ large which emerged from the statement made by the witnesses and he cannot be said to be at par with Gautam Chowdhury and parity cannot be in his favour in enlarging him bail at this stage.

Bearing in mind the nature of the offence and its seriousness and further on hearing learned counsel for both the parties, we are not inclined to grant bail to the petitioner.

Accordingly, prayer for bail is considered and rejected.

However, since the charge sheet has been submitted learned Special Judge is requested to undertake the trial as expeditiously as possible.

C.R.M.9109 is disposed of.

(Tirthankar Ghosh, J.)

(Shivakant Prasad, J.)