

14.01.2021
Item No.26
Ct.No.28
Subha
rejected

C.R.M. 267 of 2021
(Via Video Conference)

Subir Biswas
-vs-
The State of West Bengal

In Re: An application for bail under Section 439 Cr.P.C in connection with Ranaghat Women P.S. Case No.30 of 2020 dated May 1, 2020 under Sections 376(2)(f)/376(2)(i) of the Indian Penal Code and Section 4 of the Protection of Children from Sexual Offences Act, 2012.

Mr. Prabir Kumar Majumder

... For the Petitioner.

Mr. Sanjoy Bardhan
Mr. Palash Chandra Majhi

... For the State.

Learned advocate appearing for the petitioner submits that the petitioner is in custody for 270 days and charge-sheet having been submitted, further detention of the petitioner is unwarranted.

It is the further submission of the learned advocate for the petitioner that the present petitioner's name has not been consistently appearing in the statement of the victim and as such, he may be released on bail.

Mr. Bardhan, learned advocate appearing on behalf of the State submits that the medical report reflects the names of the offenders. He further submits that the F.S.L report is

awaiting. As such, the prosecution cannot be progressed further for the stage of consideration of charge.

Having regard to the materials available in the case diary, more particularly the medical report accompanied by other statements of the witnesses, we are of the opinion that it would not be proper to release the present petitioner on bail at this stage without the evidence of the victim being recorded.

As such, the prayer for bail of the petitioner is rejected.

The learned special court is directed to proceed with the case adhering to the spirit of Section 35 of the Protection of Children from Sexual Offences Act, 2012.

The petitioner is granted liberty to renew his prayer for bail after the evidence of the victim is over.

The application for bail being CRM 267 of 2021 is, accordingly, disposed of.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)