

16.03.2021
Item No.27
Ct.No.28
Subha
rejected

C.R.M. 379 of 2021
(Via Video Conference)

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure.

In the matter of : **Babu Sk.** ... Petitioner.

Mr. Kallol Kumar Basu
Mr. Debapriya Samanta
Mr. Jannat Ul Firdous

... For the Petitioner.

Mr. Prasun Kumar Datta
Mr. Santanu Deb Roy

... For the State.

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Islampur Police Station Case No. 442 of 2020 dated 29-08-2020 under Section 376 of the Indian Penal Code and under Section 4/6 of the Protection of Children from Sexual Offences Act, 2012.

The learned advocate appearing for the petitioner submits that the petitioner is in custody for about 197 days and the investigation of the case has already been concluded.

Learned advocate for the petitioner further submits that the charge has already been framed and date has been fixed for evidence in the month of April, 2021.

Mr. Datta, learned Additional Public Prosecutor appearing for the petitioner opposes the prayer for bail of the petitioner and draws the attention of this court to the statement of the victim girl recorded under Section 164 of the Code of Criminal Procedure as well as the medical documents.

We have perused the materials available in the case diary which include the statement of the witnesses as well as the statement of the victim girl and the medical reports.

Having regard to the stage of the case and the incriminating materials appearing against the petitioner, we are not inclined to release the petitioner on bail at this stage and as such, the prayer for bail of the petitioner is rejected.

With the aforesaid observations, the application for bail being CRM 379 of 2021 is, accordingly, disposed of.

All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(Harish Tandon, J.)

(Tirthankar Ghosh, J.)