

24.02.2021
Item no.07
Court No.28
Avijit Mitra

C.R.M.477 of 2021 (through video conference)

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with Panskura Police Station Case No.268 of 2015 dated 03.06.2015 under Sections 363/366A/368/372/373/376 of the Indian Penal Code and Sections 6/16/17 of the Protection of Children from Sexual Offences Act and Sections 3/4/5/6 of the Immoral Traffic (Prevention) Act, 1956

And

In Re : Sajahan Chitrakar

.... petitioner

Mr. Amitava Karmakar,

Mr. Arup Kumar Bhowmick

....for the petitioner

Mr. Rudradipta Nandy

..... for the State

Mr. Karmakar, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated and is languishing in custody for more than 3 years 6 months. Out of total 19 witnesses only 7 witnesses have been examined and as such, there is no possibility of conclusion of trial in the near future. He further submits that other co-accused persons have already been granted bail and in the said conspectus, further detention of the petitioner is not necessary.

Mr. Nandy, learned advocate appearing for the State opposes the petitioner's prayer and submits that the petitioner is not similarly situated with the accused persons who have been enlarged on bail. He was identified in the T.I. parade and there was specific allegation against the petitioner. He further submits that dates have been fixed for hearing on 8th March, 2021, 9th March, 2021 and 10th March, 2021. Let the report of the Inspector-in-Charge, as produced, be kept on record.

We have heard the learned advocates and considered the materials in the case diary. *Prima facie*, there are incriminating materials against the petitioner.

In view of the nature of allegations, the gravity of the offence and its ramification, we are not inclined to exercise any discretion in favour of the petitioner and as such the petitioner's prayer for bail is refused at this stage.

Accordingly, the application being C.R.M. No. 477 of 2021 is dismissed.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)