

01.03.2021

Item No.19

Ct.No.28

Subha

rejected

C.R.M. 531 of 2021

(Via Video Conference)

Debashish Majumdar

-vs-

The State of West Bengal

In Re: An application for bail under Section 439 Cr.P.C in connection with Hanskhali P. S. Case No. 409 of 2020 dated August 24, 2020 under Section 376(3) of the Indian Penal Code read with Section 4 of the Protection of Children from Sexual Offences Act, 2012.

Mr. Debasish Nandi
Mr. Mukundalal Sarkar

... For the Petitioner.

Mr. Saswata Gopal Mukherji, Id. PP
Ms. Sukanya Bhattacharya
Mr. Nirupam Dhali

... For the State.

Mr. Nandi, learned advocate appearing for the petitioner submits that the petitioner, who is only 18 years of age, has been falsely implicated. There was a long-standing dispute between the parents of the *de facto* complainant and the father of the petitioner regarding the boundary wall. Upon completion of investigation, charge-sheet has been submitted and as such, further detention of the petitioner, who is in custody for more than 195 days, is not required.

Mr. Mukherji, learned Public Prosecutor appearing for the State draws the attention of this court to the medical report and the statement of the victim girl recorded under Section 164 of the Code of Criminal Procedure.

Having heard the learned advocates and considering the materials available in the case diary, the gravity of the offence, the statement of the victim girl recorded under Section 164 of the Code and the extent of complicity of the petitioner in the alleged offence, we are not inclined to grant bail to the petitioner at this stage. As such, the petitioner's prayer for bail is refused.

The application for bail being CRM 531 of 2021, is, accordingly, dismissed.

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

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)