

24.02.2021

Item No.22

Ct.No.28

dc.

Rejected

C.R.M. 565 of 2021

(Via Video Conference)

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

And

In the matter of : **Narayan Paul**

... Petitioner.

Mr. Soubhik Mitter,
Ms. Aindrila De

... For the Petitioner.

Md. Anwar Hossain,
Ms. Sreyashee Biswas

... For the State.

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Habra P.S. Case No. 113 of 2020 dated 07.03.2020 (Special Case No. 27 of 2020) under Sections 342/376/506 of the Indian Penal Code and Section 6 of the Protection of Children from Sexual Offences Act.

Mr. Mitter, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated by lodging a complaint about 12 days after the alleged offence. Upon completion of investigation, charge-sheet has also been filed and as such, further detention of the petitioner, who is in custody for 354 days, is not warranted. He further submits that the co-accused is the

petitioner's cousin brother and he has already been enlarged on bail by a co-ordinate Bench of this Court.

The learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statement of the victim lady recorded under Section 164 of the Code.

Having heard the learned advocates and considering the materials in the case diary, the nature of allegations 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.

Accordingly, the application for bail, being CRM 565 of 2021, is dismissed.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)