

01.03.2021

Court No.28

rpan / **49**

CRM 676 of 2021

(Via video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure ;

And

In Re : **Sudipta Halder @ Babu & Another**

Petitioners

Mr. Sumanta Chakraborty

For the Petitioners.

Mr. Swapan Banerjee,

Mr. Suman De

For the State.

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioners in connection with New Town Police Station Case No. 83 of 2020 dated 11.06.2020 under Section 6 of Protection of Children from Sexual Offences Act, 2012 and Sections 376(i)/376D/212/34 of the Indian Penal Code.

Mr. Chakraborty, learned advocate appearing for the petitioners submits that the petitioners, who are aged about 20 years and 22 years respectively, have been falsely implicated. The victim girl willingly accompanied the petitioners to a guesthouse. Mr. Chakraborty has also drawn our attention to the medical report and submits that upon completion of investigation charge sheet has also been submitted and as such, further detention of the petitioners, who are in custody since 11th June, 2020, is not necessary.

Mr. De, learned advocate appearing for the State submits that the victim girl was aged about 14 years on the date of alleged incident. There are materials in the case diary which clearly disclose the involvement of the petitioners in the alleged offence.

Having heard the learned advocates and considering the materials on record, 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 petitioners in the alleged offence, we are not inclined to enlarge the petitioners on bail at this stage. As such, the petitioners' prayer for bail is refused.

The application for bail, being CRM No. 676 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)