

01.03.2021

Item No.51

Ct.No.28

Subha

rejected

C.R.M. 680 of 2021

(Via Video Conference)

Suraj Bhakta

-vs-

The State of West Bengal

In Re: An application for bail under Section 439 Cr.P.C in connection with Bamongola P. S. Case No. 54 of 2020 dated February, 18, 2020 under Sections 363/365/34 of the Indian Penal Code and Section 4 of the Protection of Children from Sexual Offences Act, 2012.

Mr. Mrityunjoy Chatterjee
Mr. Susnigdho Bhattacharyya

... For the Petitioner.

Mr. Bidyut Kumar Roy
Ms. Rita Dutta

... For the State.

Mr. Chatterjee, learned advocate appearing for the petitioner submits that the petitioner is in custody since 23rd June, 2020 and although charge-sheet has been submitted, but till date there is no progress in the trial.

Learned advocate appearing for the petitioner further submits that there is a relationship between the petitioner and the victim girl and out of their own will they went away to Malda and thereafter returned to the house of the petitioner and both of them stayed together for a considerable period of time in the house of the present petitioner.

Learned advocate for the petitioner additionally submits that the present case has been initiated out of anxiety of the father of the victim girl.

Mr. Roy, learned advocate for the State opposes the prayer for the 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 evidence. He also draws attention of this court to the statement of the other witnesses.

We have perused the case diary including the statement of the victim girl recorded under Section 164 of the Code of Criminal Procedure and having considered the age of the victim girl, we are of the opinion that it would not be fit and proper to release the present petitioner on bail at this stage.

However, the petitioner is granted liberty to renew the prayer for bail after the evidence of the victim girl is over before the learned special court.

Accordingly, the prayer for bail of the present petitioner is rejected.

With the aforesaid observations, the application for bail being CRM 680 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.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)