

15.03.2021
Court No.28
Item No. 22
Krishnendu
Bail Rejected

CRM 778 of 2021
(Via video Conference)

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

And

In Re : Biswajit Ghosh

Petitioner

Mr. Arnab Mukherje

Mr. Krisahnendu Bhadra

For the Petitioner

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 petitioner in connection with Serampore Women Police Station Case No. 30 of 2020 dated 30.08..2020 under sections 376(1)/ 376(2)(i)/ 328/354C of the Indian Penal Code, 1860 and sections 6/12 of the Protection of Children from Sexual Offences Act.

The learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. The allegations levelled against him are absolutely unfounded. Upon completion of investigation, charge sheet has also been filed and as such further detention of the petitioner, who is in custody for about 200 days, is not warranted in the facts and circumstances of the case.

The learned advocate appearing for the State opposes the petitioner's prayer for bail and draws our attention to the statements of the of the victim lady and the victim girl, who is about 15 years old, as recorded under section 164 of the Code of Criminal Procedure.

Having heard the learned advocates appearing for the respective parties and considering the materials in the case diary, the gravity of the offence and the extent of complicity of the petitioner in the alleged offence, we are not inclined to exercise any discretion in favour of the petitioner and as such, his prayer for bail is dismissed at this stage.

Accordingly, the application for bail, being CRM No. 778 of 2021 is 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.)