

19.03.2021

CRM 887 of 2021

Court No.28
Item No.66

akd

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed on 20.01.2021 in connection with Taherpur Police Station Case No. 157 of 2020, dated 28.09.2020 under Sections 376/417/366 of the Indian Penal Code and Section 6 of the Protection of Children from Sexual Offences Act.

And

In the matter of : **Surajit Pramanik @ Surajit Pramanick @ Nepal**
...Petitioner

Ms. Minoti Gomes.

...For the Petitioner

Mr. Binoy Panda,
Ms. Puspita Saha.

...For the State.

The petitioner has filed the instant application for bail under Section 439 of the Code of Criminal Procedure after being arrested in connection with Taherpur Police Station Case No. 157 of 2020 under Sections 376/417/366 of the Indian Penal Code and Section 6 of the Protection of Children from Sexual Offences Act.

Learned Advocate appearing for the petitioner submits that there is no incriminating material shown against the petitioner for the alleged involvement in connection with the aforementioned case. It is further submitted that the statement of the victim recorded under Section 164 of the Code of Criminal Procedure is contrary in nature and inconsistency can be seen with the version of the mother of the victim girl, who lodged the complaint. The eyewitness has not indicated the commission of the alleged offence nor any ingredient of Section 6 of the Protection of Children from Sexual Offences Act has been prima facie found by the Investigating Officer as yet.

On the other hand, the learned Advocate for the State opposes the prayer for bail. It is submitted that the victim is 14 years girl and narrated the incident in a statement recorded under Section 164 of the Code of Criminal Procedure and, therefore, the complicity of the petitioner to the alleged offence cannot be ruled out. She further

relies upon the statement of the eyewitness, who has seen the victim girl with the accused and it is a matter of trial when the veracity of the statement of the eye witness is required to be evaluated and not at this stage.

After hearing the submissions of the respective Counsels and on perusal of the materials available in the case diary including the statement of the victim being a 14 years mentally retarded girl as well as the statement of the eyewitness recorded under Section 161 of the Code of Criminal Procedure and the medical report annexed to the case diary, we do not feel that it is a fit case where the petitioner should be enlarged on bail.

The application for bail, being CRM 887 of 2021, is thus **dismissed.**

(Harish Tandon, J)

(Tirthankar Ghosh,J.)