

23.03.2021

CRM 1003 of 2021

Court No. 28
Item No. 78
snandy

(REJECTED)

In Re: An application for **Bail** under Section **439** of the Code of Criminal Procedure filed on 25.01.2021 in connection with Habra Police Station Case No. 605 of 2020 dated 02.12.2020 under Sections 376/506 of the Indian Penal Code and Section 4 of the Protection of Children from Sexual Offences Act. (SP-117/ 2020)

and

In the matter of: **Argha Sarkar @ Bubai**

..... Petitioner

Mr. Navnil De, Advocate

Mr. Ritam Ghosh, Advocate

.....for the Petitioner

Mr. Saswata Gopal Mukherjee, learned Public Prosecutor

Ms. Zarin N. Khan, Advocate

Ms. Sreeparka Das, Advocate

..... for the State

The petitioner has filed the instant application for bail in connection with Habra Police Station Case No. 605 of 2020 dated 02.12.2020 under Sections 376/506 of the Indian Penal Code and Section 4 of the Protection of Children from Sexual Offences Act.

The learned Advocate for the petitioner submits that the petitioner is in custody for about 100 days and there is no progress in the case. Learned Advocate further submits that there are deviations in the initial and subsequent statements of the victim recorded/collected by the Investigating Officer/Judicial Officer in course of the investigation.

Learned Public Prosecutor opposes the prayer for bail and draws the attention of the Court to the statement of victim recorded under Section 161 of the Code of Civil Procedure as well as the medical documents. It has been informed that the next date is fixed on March 25, 2021.

Having regard to the stage of the case and considering the

statement of the victim and the medical reports, we are not inclined to release the petitioner on bail.

As such, the prayer for bail is **rejected**.

The application being **CRM 1003 of 2021** accordingly **dismissed**.

(Harish Tandon, J.)

(Tirthankar Ghosh, J.)