

24.03.2021

Item No.114

Ct.No.28

dc.

C.R.M. 1212 of 2021

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure filed in connection with Tarakeswar P.S. Case No. 130 of 2020 dated 22.09.2020 under Sections 417/429/202/376(2)(h)/306/506 of the Indian Penal Code and Sections 6/12 of the Protection of Children from Sexual Offences Act, 2012.

And

In Re : **Amiya Ghosh**

... Petitioner.

Mr. Ujjal Ray

... For the Petitioner.

Mr. Rudradipta Nandy

... For the State.

This is an application for bail in connection with Tarakeswar P.S. Case No. 130 of 2020 dated 22.09.2020 under Sections 417/429/202/376(2)(h)/306/506 of the Indian Penal Code and Sections 6/12 of the Protection of Children from Sexual Offences Act, 2012 at the behest of the petitioner.

The learned advocate for the petitioner submits that the petitioner has been falsely implicated in the instant case and the allegation which has been levelled against him does not appear to have sound footing.

The learned advocate for the State draws our attention to the dying declaration of the victim girl who was admittedly 17 years of age.

After perusing the aforesaid dying declaration, the complicity of the petitioner to the alleged offence cannot be ruled out at this stage. The matter requires to be tried on the basis of the materials unearthed during the investigation. As such, the petitioner's prayer for bail is **rejected**.

However, we request the learned Special Judge to expedite the matter.

The application for bail, being CRM 1212 of 2021, is, thus, disposed of.

(Harish Tandon, J.)

(Tirthankar Ghosh, J.)