

25.03.2021
Item no.124
Court No.28
Avijit Mitra

C.R.M. 1348 of 2021 (through video conference)

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with Bhadreswar Police Station Case No.177 of 2020 dated 14.07.2020 under Sections 376/511 of the Indian Penal Code read with Section 8 of the Protection of Children from Sexual Offences Act;

And

In Re : Md. Dastagir @ Dastagir Ansari

.... Petitioner

Mr. Ansuman Bera

...for the petitioner

Mr. Tanmoy Kumar Ghosh,

Mr. Arindam Sen

...for the State

Learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. The medical examination report as annexed at page 7 of the application would reveal that the allegations levelled against the petitioner are absolutely unfounded. Upon completion of investigation chargesheet has also been filed and as such further detention of the petitioner, who is in custody since 6th August, 2020, is not necessary.

Learned advocate appearing for the State opposes the petitioner's prayer and submits that the victim girl is aged about 13 years and the petitioner herein is about 53 years of age. There are incriminating materials in the case diary and in view thereof, the petitioner's claim needs to be rejected.

Having heard the learned advocates and considering the materials in the case diary, the statement of the victim girl as recorded under Section 164 of the Code, 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, the prayer for bail is refused at this stage.

Accordingly, the application being C.R.M. No.1348 of 2021 is dismissed.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)