

18.06.2021

Court No.28
Item No.07
(Rejected)

Akd
&
As

CRM 1990 of 2021
(Via Video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Bishnupur Police Station Case No. 104 of 2020, dated 06.10.2020 under Sections 376(3) of the Indian Penal Code and Section 4(2) of the Protection of Children from Sexual Offences Act.

And

In the matter of : **Arjun Bhunia @ Khaisha**
...Petitioner

Mr. Maloy Bhattacharyya.

...For the Petitioner

Ms. Zareen N. Khan,
Ms. Sreeparna Das.

...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 Bishnupur Police Station Case No. 104 of 2020 under Sections 376(3) of the Indian Penal Code and Section 4(2) of the Protection of Children from Sexual Offences Act.

Learned Advocate for the petitioner submits that the petitioner has been falsely implicated in connection with the instant case and he is in custody for about eight months and fifteen days. It is further submitted that the medical report does not suggest the element of rape and, therefore, the petitioner should be released on bail.

Learned Advocate for the State opposes the prayer for bail. She relies upon the statement of the minor victim girl recorded under Section 164 of the Code of Criminal Procedure and submits that the ingredients for taking cognizance under Section 376(3) of the Indian Penal Code and Section 4(2) of the Protection of Children from Sexual Offences Act are eminent and evident therefrom.

After hearing the respective Counsels and on perusal of the case diary and the other materials produced before us including the statement of the minor victim girl, who happens to be 13 years of age at the time of the alleged commission of offence, we do not feel that it is a fit case where the petitioner should be released on bail.

Since the charge sheet has been submitted, we direct the concerned Judicial Officer to expedite the matter so that it may be

brought to its logical end at the earliest.

The application for bail, being CRM 1990 of 2021, is thus **dismissed**.

(Harish Tandon, J)

(Subhasis Dasgupta,J.)