

25.08.2021

Court No.28
Item No.19
(REJECTED)

Saswata

CRM 3840 of 2021
(Via Video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Baranagar Police Station Case No. 314 of 2018 dated 24.05.2018 under Sections 376(2)(n)/506 of the Indian Penal Code and Section 10 of the POCSO Act, 2012 now numbered as POCSO 54/18;

And

In the matter of : **Dipanjan Swarnakar @ Saheb**

...Petitioner.

Mr. Debasis Kar
Mr. Subhajit Chowdhury

...For the Petitioner

Ms. Z.N. Khan
Mr. Ashok Das

... For the State

The petitioner has filed the instant application for bail under Section 439 of the Code of Criminal Procedure in connection Baranagar Police Station Case No. 314 of 2018 under Sections 376(2)(n)/506 of the Indian Penal Code and Section 10 of the POCSO Act, 2012 now numbered as POCSO 54/18.

The rhetoric of the learned Advocate for the petitioner does not stand as an impediment in continuing our journey in quest of truth and the justice to be rendered and/or imparted.

This is the fourth round of litigation before this Court. The earlier three applications were rejected having found incriminating materials against the petitioner who happened to be a resourceful person in the locality, both economically and status-wise. The minor girl has vividly recollected the bad memoirs, which she faced on such fateful day and appears to have stand by such statements.

A plea of consent is sought to be raised that there was a consensus relationship, which we do not find to have any semblance and bearing in the instant matter. The minor girl is incapable of entering into the contract nor is capable to give consent. Despite the fact that the petitioner is languishing in jail for 800 days or more, there is no material which can be

used in his favour by releasing the petitioner on bail. The fifth witness is on the witness box and only two witnesses are left to be examined.

We, thus, do not find any material for taking a different decision to what had already been taken in earlier three applications, nor we find any changed circumstances warranting this application to be allowed.

The application for bail is, thus, considered and ***rejected***.

We request the Court below to expedite the trial of the case.

The application for bail being CRM 3840 of 2021 is, accordingly, **dismissed**.

(Harish Tandon, J)

(Bibek Chaudhuri, J.)