

52. 31.08.2021
Ct.32
Tanmoy
Rejected

C.R.M. 4461 of 2021

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on **25/06/2021** arising out of **Duttapukur Police Station Case No. 269 of 2020** dated **11/04/2020** under Sections **376(2)(n)/506** of the Indian Penal Code read with Section **6** of the POCSO Act.

And

In the matter of: - **Sumit Bairagi**

...petitioner.

Ms. Kakali Chatterjee

...for the petitioner (through V.C.).

Mr. S.S. Imam,
Mr. Subrata Roy

...for the State.

The petitioner says that he has been falsely implicated. There was a love affair between the petitioner and the victim for over three years. The victim had physical relationship with the petitioner voluntarily. Upon the petitioner refusing to marry the victim, the present false complaint has been lodged.

Learned Counsel for the State produces the Case Diary. We have seen the statements of witnesses recorded under Sections 164/161 of the Code of Criminal Procedure including the statement of the victim who was a minor girl at the relevant point of time. It appears that the petitioner also took intimate photographs of the victim girl and threatened to publish the same in social media if the victim told anybody about their relationship.

The trial is in progress. Considering the nature and gravity of the alleged offence and the possible extent of

complicity of the petitioner therein and also noticing that a co-ordinate Bench of this Court rejected the petitioner's prayer for bail by an order dated October 14, 2020 passed in C.R.M. 6312 of 2020 and since then there being no significant change of circumstances, we are not inclined to allow the petitioner's prayer for bail at this stage.

Accordingly, the application for bail being C.R.M. 4461 of 2021 is **dismissed**.

However, in view of the fact that the petitioner has been in custody for about 557 days, we request the learned trial Court to expedite the trial to the extent possible and bring the same to its logical conclusion as early as the business of the Court may permit and preferably within a year from date.

All parties shall act in terms of server copy of this order downloaded from the official website of this Court.

(Bivas Pattanayak, J.)

(Arijit Banerjee, J.)