

29.11.2021
Court No.32
Item No. 05
Krishnendu
Bail Rejected

CRM 4769 of 2021
(Via video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Bolpur Police Station Case No. 84 of 2020 dated 09.03.2020 under section 376(2)(I) of the Indian Penal Code, 1860 and sections 4/6/8/12 of the POCSO Act.
And

In re: **Mithun Majhi**

...Petitioner

Mr. Somnath Banerjee
Mr. Pronojit Roy

... For the Petitioner

Mr. Md. Kutubuddin

...For the State

Mr. Banerjee, learned advocate appearing for the petitioner submits that the statement of the victim girl, as recorded under section 164 of the Code of Criminal Procedure, is not corroborated by the medical examination report. The petitioner herein has been falsely implicated who is already in custody for more than 630 days. In the said conspectus, further detention of the petitioner is not necessary.

The learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to several documents, including the statement of the victim lady, as recorded under section 164 of the Code of Criminal Procedure and the medical report.

Having heard the learned advocates appearing for the respective parties and considering the materials in the case diary, the gravity of the offence, the nature of accusations and the extent of complicity of the petitioner in the alleged offence, we are not inclined to exercise any

discretion in his favour at his stage, more so when the minor victim girl is mentally retarded.

The application for bail, being CRM No. 4769 of 2021, is, accordingly, dismissed.

The learned Trial Court is, however, directed to take expeditious steps towards conclusion of the trial without granting any unnecessary adjournments to either of the parties.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)