

16.11.2021

Court No.28
Item No.70
(Rejected)

Akd

CRM 5187 of 2021
(Via Video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Santipur Police Station Case No. 479 of 2019 dated 17.08.2019 under Section 376(3) of the Indian Penal Code and Section 6 of the Protection of Children from Sexual Offences Act, 2012; [POCSO Case No. 3(11)19].

And

In the matter of : **Surja Chatterjee**

...Petitioner.

Ms. Sananda 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 Santipur Police Station Case No. 479 of 2019 under Section 376(3) of the Indian Penal Code and Section 6 of the Protection of Children from Sexual Offences Act, 2012.

Learned Advocate for the petitioner submits that the petitioner is septuagenarian and has been implicated in connection with the instant case without any reason and rhyme. It is further submitted that the petitioner is in custody for more than two years and there is no progress in the trial.

Learned Advocate for the State opposes the prayer for bail. It is submitted that the petitioner was a teacher and has committed penetrative sexual assault upon the minor victim girl, who is aged about 13 years; as a result whereof she conceived, which would be evident from the medical report.

After hearing the respective submissions of the parties and on perusal of the materials available in the case diary including the statement of the minor victim girl, who is aged about 13 years, recorded under Section 164 of the Code of Criminal Procedure and the fact that she conceived, we do not

find any justification in enlarging the petitioner on bail.

Accordingly, the prayer for bail is rejected.

The application for bail being **CRM 5187 of 2021** is thus **dismissed**.

(Harish Tandon, J)

(Rabindranath Samanta, J.)