

SL. 37.
September 10, 2021.
MNS/AK

CRM 5836 of 2021

(Through Video Conference)

In Re: - An application for bail under section 439 of the Code of Criminal Procedure filed on August 25, 2021 in connection with Bakultala Police Station Case No. 158 of 2020 dated May 26, 2020 under Section 376AB of the Indian Penal Code and Section 6 of the Protection of Children from Sexual Offences Act, 2012.

And

In the matter of: Bappa Mondal

.... Petitioner

Mr. Pradyat Saha

...for the petitioner.

Mr. Rana Mukherjee,
Mr. Samik Ganguly,
Ms. Sujata Das

... for the State.

Learned counsel for the petitioner contends that the petitioner is already behind bars for over 482 days.

Learned Additional Public Prosecutor, while controverting the prayer for bail, rightly submits that, as recently as on October 20, 2020, CRM 8152 of 2020, which was a previous bail application filed by the present petitioner, was rejected by a co-ordinate Bench. The circumstances have not changed thereafter at all.

That apart, since the presumption under Section 29 of the Protection of Children from Sexual Offences Act, 2012

operates against the petitioner, we are not inclined to grant bail to the petitioner at this stage.

Accordingly, CRM 5836 of 2021 is dismissed.

(Sabyasachi Bhattacharyya, J.)

(Ananda Kumar Mukherjee, J.)