

10.11.2021

CRM 7068 of 2021

Court No.28
Item No.11
(Rejected)

Akd

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Bhadreswar Police Station Case No. 225 of 2021 dated 17.06.2021 under Sections 363/364/376/511/326/307 of the Indian Penal Code and Section 10 of the Protection of Children from Sexual Offences Act;

And

In the matter of : **Partha Chowdhury @ Partha Chaudhary @ Ghanta.**

...Petitioner.

**Mr. Tanmay Chowdhury,
Mr. R. Ghosh.**

...For the Petitioner.

**Mr. Binay Panda,
Mr. Nirupam Dhali,
Ms. Puspita Saha.**

...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 Bhadreswar Police Station Case No. 225 of 2021 under Sections 363/364/376/511/326/307 of the Indian Penal Code and Section 10 of the Protection of Children from Sexual Offences Act.

Learned Advocate for the petitioner submits that there was a love affair between the minor victim girl and the petitioner; and the present case has been launched out of a vengeance, as the said relationship was broken subsequently. It is further submitted that the petitioner is in custody for nearly 114 days in connection with the aforementioned case and the charge sheet has already been submitted. Therefore, there is no impediment in releasing the petitioner on bail.

Learned Advocate for the State opposes the prayer for bail and relies upon the statement of the minor victim girl recorded under Section 164 of the Constitution of India. It is further submitted that after filing of the charge sheet the charges have been framed and the case has ripen for trial.

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 recorded under Section 164 of the Code of Criminal Procedure, we feel that the complicity of the petitioner to the alleged offence cannot be ruled out at this stage. We do not find any justification in releasing the petitioner on bail at this stage.

Therefore, the prayer for bail of the petitioner is rejected.

The application for bail being **CRM 7068 of 2021** is thus **dismissed**.

(Harish Tandon, J)

(Rabindranath Samanta, J.)