

16.11.2021
648
Ct. No 29
KAUSHIK
(REJECTED)

C.R.M. 7265 of 2021

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Sankrail** Police Station Case No. **47** of **2021** dated **16.05.2021** under Section 376(2)(L) of the Indian Penal Code, 1860.

And

In Re : Swapan Kumar Mahata.

..... petitioner

Mr. Sandip Kumar Bhattacharya

.... for the petitioner

Mr. Rudradipta Nandy

.... for the State

Petitioner seeks bail.

Learned advocate appearing for the petitioner submits that, the petitioner is in custody in excess of 200 days. He submits that, the petitioner is now a father of a child. The petitioner applied for DNA Test before the Jurisdictional Court, which is pending.

Learned advocate appearing for the State draws the attention of the Court to the contents of the case diary. He submits that, a child was born to the lady, who is differently abled.

Considering the materials in the case diary and considering the gravity of the offence, we are unable to grant bail to the petitioner.

Accordingly, prayer for bail of the petitioner is rejected and the application being CRM 7265 of 2021 is dismissed.

(Debangsu Basak, J.)

(Ananda Kumar Mukherjee, J.)