

18.11.2021

CRM 7403 of 2021

Court No.28
Item No.18
(REJECTED)

Ab

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed on 01.11.2021 in connection with Ashokenagar Police Station case No. 121 of 2021 dated 12.02.2021 under Sections 376/506 of the Indian Penal Code read with Section 6 of the Protection of Children from Sexual Offences Act;
And

In the matter of : **Kartick Roy Chowdhury.**

...Petitioner.

Mr. Shekhar Barman.

...For the Petitioner.

**Mr. Bidyut Kumar Roy,
Ms. Rita Datta.**

... 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 Ashokenagar Police Station case No. 121 of 2021 dated 12.02.2021 under Sections 376/506 of the Indian Penal Code read with Section 6 of the Protection of Children from Sexual Offences Act.

Learned Advocate for the petitioner submits that the petitioner is languishing in jail for nearly 272 days in connection with the aforementioned case. It is further submitted that further custody of the petitioner is not necessary after submission of the charge-sheet.

Learned Advocate for the State opposes the prayer for bail. It is submitted that the statement of the minor victim girl made before the Medical Officer as well as under Section 164 of the Code of Criminal Procedure would reveal the commission of offence under the Protection of Children from Sexual Offences Act and, in fact, the minor victim girl gave birth to a female child in the hospital. It is further submitted that the sample for conducting the DNA Test has

also been submitted to the specialized laboratory but the report has not been forwarded to the police officer as yet.

After hearing the respective Counsels and on perusal of the statement made both before the Medical Officer as well as the learned Magistrate, we find the incriminating materials disclosed against the petitioner. The charge-sheet has also been submitted with a prayer to submit a supplementary charge-sheet after collection of DNA Test report.

Since there has been sufficient materials unearth during the investigation, we do not think that it is a fit case where the petitioner should be enlarged on bail at this stage.

The application for bail being CRM 7403 of 2021 is, thus, ***rejected.***

However, the prosecution is directed to immediately collect the report of DNA Test, which should not exceed beyond one month from date and liberty is granted to the petitioner to renew the prayer for bail if the said report is found favourable.

(Harish Tandon, J)

(Rabindranath Samanta,J.)