

CRM No.7520 of 2021

Via video conference

21.12.21

(S.R.)

Sl.264

Ct.32

In re: An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with **Dadpur** Police Station Case No.119 of 2021 dated 27/07/2021 under Sections 498A/376/494/420/354C/506 of the Indian Penal Code read with Sections 3 and 4 of the Dowry Prohibition Act (Charge-sheet submitted being no.147/2021 dated 23.09.2021 under Sections 498A/376(2)(n)/494/384/354C of the Indian Penal Code read with Section 4 of the Dowry Prohibition Act read with Sections 66(D) and 67 of the Information Technology Act 2000);

And

In re: Sourav Gangopadhyay

... petitioner.

Mr. Jayanta Narayan Chatterjee

Mr. Supreem Naskar

Ms. Pritha Sinha

... for the petitioner.

Mr. Saswata Gopal Mukherjee, Ld. PP

Mr. Partha Pratim Das

Mrs. Manasi Roy

...for the State.

After a long custody of 147 days, the instant application is filed by the petitioner praying for release on bail.

Mr. Chatterjee, learned lawyer for the petitioner submitted that the present petitioner is falsely implicated. The *de facto* complainant is a married lady. There is nothing to show that force was used at any point of time. It is a case of consensual relationship. According to Mr. Chatterjee, the present petitioner need not be detained in custody, as charge sheet has been filed and investigation is complete. Accordingly, bail is prayed for.

Per contra, Mr. Das, learned lawyer representing the State submitted that there are strong incriminating elements against the present petitioner. Inviting our attention to various photographs and posts made in social media, he submitted that the act of the petitioner is condemnable. According to him, strong incriminating materials are there against the petitioner for which he should not be released on bail.

We have heard the rival submissions and perused the case diary.

We have seen the posts and photographs of the victim lady made in social media as alleged which has strongly incriminating against the present petitioner. Other materials in the case diary implicate the present petitioner to the commission of alleged offence, *prima facie*. Even though charge sheet has been filed, we are of considered opinion that because of gravity and seriousness discretion should not be exercised in granting bail. Accordingly, the instant bail application stands rejected.

However, we direct the committing court to commit the matter to the learned Sessions Court within a period of one month from the date of communication of this order and the learned Sessions Judge, Hooghly shall consider the charge within a period of one month from the date of commitment.

The application for bail being CRM No.7520 of 2021 is, accordingly, disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)