

CRM 7671 of 2021
(via video conferencing)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure ;

And

In Re : Subrata Jana

Petitioner

Mr. Gobinda Chandra Baidya

.....For the Petitioner

Mr. Tanmoy Kumar Ghosh
Mr. Arindam Sen

.....For the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Sagar P.S. Case No. 186/2020 dated 11/12/2020 under Sections 363/365/34 of the Indian Penal Code read with Section 4 of the Protection of Children from Sexual Offences Act.

Heard learned lawyer for the petitioner and perused the case diary.

Learned lawyer for the petitioner submitted that the petitioner is in custody for about 360 days. There is a family dispute between the parties which is the genesis of the present complaint against the petitioner and his family members. The allegation is false and the victim girl as well as the petitioner married each other. According to the learned lawyer, bail may be granted considering the long custodial detention.

Per contra, learned lawyer representing the State submitted that strong incriminating elements are there in the case diary. The

statement of the victim girl recorded under Section 164 of the Code of Criminal Procedure, medical report and the statement of witnesses, do implicate the present petitioner to the commission of the alleged crime. Therefore, bail may be granted.

We have perused the case diary and heard the rival submissions. Charge sheet has been filed. But charge is yet to be framed. It appears that execution report of the warrant of arrest against a co-accused Anima Pradhan, is still pending. The allegation is serious and incriminating materials are there.

Therefore, at this stage, we are not inclined to exercise our discretion and allow bail to the petitioner.

Accordingly, the application being CRM 7671 of 2021 stands rejected.

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)