

20.12.2021
Court No.32
Item No. 13
Avijit Mitra

C.R.M. 7767 of 2021

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

And

In Re : Nidul Paul

Petitioner

Mr. Sumanta Chakraborty

..For the Petitioner

Mr. Bidyut Kumar Roy,
Ms. Rita Datta

...For the State

The present application is filed in connection with Duttapukur Police Station Case No.312 of 2020 dated 25.04.2020 under Sections 376AB/506 of the Indian Penal Code and Section 6 of the Protection of Children from Sexual Offences Act, 2012 praying for release on bail as the petitioner is in custody since 16th May, 2020.

Mr. Chakraborty, learned lawyer appearing for the petitioner, submitted that chargesheet has been filed and investigation is complete and the victim girl is examined. The present petitioner is in custody for long and the custodial detention is not necessary specially, the victim girl is examined. There is no chance of wining over the vital witnesses. Accordingly, he prayed for bail.

Per contra, learned lawyer for the State Mr. Roy submitted, that on two occasions Coordinate Bench of this Court rejected the application for bail of the petitioner even though the victim girl has been examined. Strong incriminating elements emanated from the

testimony of the victim girl. Considering the seriousness of the offence and the fact that the victim girl is below 12 years on the date of the alleged offence, he opposed the bail application.

We have heard the rival submissions. It appears that the evidence is not closed. Materials against the present petitioner is very strongly incriminatory. A cumulative perusal of case diary and testimony of the victim girl appear to be corroborated. Considering the seriousness of the nature and gravity of offence, we are not inclined to allow the bail and the same is rejected.

Accordingly, the application for bail, being CRM No. 7767 of 2021 is dismissed.

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)