

20.12.2021
Court No.32
Item No. 14
Avijit Mitra

C.R.M. 7769 of 2021

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

And

In Re : Dulal Barman

Petitioner

Mr. Sanjib Kumar Dan,
Mr. Saryati Datta

..For the Petitioner

Md. Anwar Hossain,
Ms. Benazir Hasna

...For the State

The present application is filed in connection with Bolpur Police Station Case No.250 of 2021 dated 24.07.2021 under Sections 354/376/511 of the Indian Penal Code read with Sections 8/12/18 of Protection of Children from Sexual Offences Act, praying for bail.

Mr. Datta, learned lawyer representing the petitioner, submitted, that the petitioner is in custody for 103 days. It is not a case of actual rape but is a case of attempt only. Chargesheet has been filed, therefore, custodial detention is not necessary. There is no fair chance of immediate commencement of trial. Accordingly, learned lawyer prays for bail.

Per contra, learned lawyer for the State Mr. Hossain submitted, that strong incriminating elements are there against the present petitioner. Even though chargesheet has been filed and investigation is closed, custodial detention is necessary as the

offence is serious and grave. Accordingly, he opposes the application for grant of bail.

We have heard the rival submissions and perused the case diary. We find that strong incriminating elements are there against the present petitioner. Statements of the victim girl recorded under Sections 161 and 164 of the Code are corroborative and strongly incriminating against the present petitioner. We are mindful of the fact that chargesheet has been filed. But we cannot ignore the chances of absconding and influencing the witnesses by the petitioner since the offence is grave and serious and strong incriminating materials are there against the petitioner.

Accordingly, the application for bail, being CRM No. 7769 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)