

20.12.2021
Court No.32
Item No. 34
Avijit Mitra

C.R.M. 7849 of 2021

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

And

In Re : Janai Sk. @ Janarul Sk.

Petitioner

Mr. Pawan Gupta

..For the Petitioner

Md. Anwar Hossain,
Ms. Shreyashee Biswas

...For the State

Ms. Ayantika Ray

....For the *de facto* complainant

The present application for bail under Section 439 of the Code of Criminal Procedure has been preferred in connection with Kandi Police Station Case No.413 of 2021 dated August 09, 2021 under Sections 363/365/506/34 of the Indian Penal Code along with 376 of the Indian Penal Code and Section 4 of the Protection of Children from Sexual Offences Act.

Mr. Gupta, learned advocate appearing for the petitioner submits that the petitioner had love relationship with the victim girl. The allegations against the petitioner are in the abstract. Upon completion of investigation chargesheet has also been submitted. In the said conspectus, further detention of the petitioner, who is in custody for 120 days, is not warranted.

Mr. Hossain, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the

statement of the victim girl, as recorded under Section 164 of the Code.

Ms. Ray, learned advocate enters appearance on behalf of the *de facto* complainant.

Having heard the learned advocates appearing for the respective parties and considering the materials in the case diary, the seriousness of the offence, its ramification and the extent of complicity of the petitioner, we are not inclined to exercise any discretion in favour of the petitioner and as such, his prayer for bail is refused at this stage.

Accordingly, the application for bail, being CRM No. 7849 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)