

23.12.2021

Court No.29
Item No.67
(Rejected)

Saswata

CRM 8689 of 2021

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with Newtown Police Station Case No. 437 of 2019 dated 24.10.2019 under Sections 6/8 of the Indian Penal Code and Section 376 of the Indian Penal Code read with Section 6 of the POCSO Act;

And

In the matter of : **Pappu Banik**

...Petitioner

Mr. Somnath Banerjee

...For the Petitioner

Mrs. Sreeparna Das

... for the State

The petitioner seeks bail.

Learned lawyer appearing for the petitioner submits that the petitioner is in custody for 790 days. Witness action is more or less closed. In fact, no witness was examined for the last 1 ½ years.

Learned lawyer for the State draws attention of the Court to the statement recorded under Section 164 of the victim and the medical report.

It appears from the records that on June 11, 2021 the case was taken up by the jurisdictional Court and June 24, 2021 was fixed for examination of the petitioner under Section 313 of the Code of Criminal Procedure.

Learned advocate appearing for the petitioner is unable to answer the query of the Court as to what transpired on June 24, 2021 with regard to the proceedings under Section 313 of the Code of Criminal Procedure.

Considering the statement recorded under Section 164 of the Code

of Criminal Procedure and the medical report and considering the gravity of the offence and the complicity of the petitioner, therein, we are unable to grant bail to the petitioner.

The application for bail is, thus, ***rejected***.

CRM 8689 of 2021 is disposed of, accordingly.

(Debangsu Basak, J.)

(Bibahas Ranjan De, J.)