

17.08.2021
Ct. No. 30
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sdas
dismissed

C.R.M. 7591 of 2020
(via video conference)

In Re.: An application for bail under Section 439 of the Code of Criminal Procedure.

And

In Re : Samir Shil @ Bhodai petitioner

Mr. Moyukh Mukherjee
Mr. Koustav Lal Mukherjee
Mr. Rameez Alam
... for the petitioner

Mr. Mr. Rana Mukherjee, learned A.P.P.
Mr. Mainak Gupta
.... for the State

The present application has been preferred under Section 439 of the Code of Criminal Procedure in connection with Bidhannagar South Police Station Case No. 40 of 2019 dated 13.04.2019 under Sections 366/370/34 of the Indian Penal Code and under Sections 3/4/5/6/7/9 of the Immoral Traffic Prevention Act, 1956 and Section 17 of Protection of Children from Sexual Offences Act.

Mr. Mukherjee, learned advocate appearing for the petitioner submits that the allegations levelled against the petitioner are absolutely unfounded. He has been falsely implicated in the case. He is in custody for more than 2 years 4 months and there had been no progress in the trial. In view thereof, further detention of the petitioner is not warranted in the facts and circumstances of the case.

Mr. Mukherjee, learned Additional Public Prosecutor appearing for the State opposes the petitioner's prayer and draws our attention to the statements of two witnesses, as recorded under Section 164 of the Code of Criminal Procedure.

Having heard the learned advocates appearing on behalf of the respective parties and considering the materials on record, the gravity of the offence, the statement of the victim girls, as recorded under Section 164 of the Code of Criminal Procedure and the extent of involvement of the petitioner in the alleged offence, we are not inclined to exercise any discretion in favour of the petitioner at this stage.

The present application, being CRM 7591 of 2020 is, accordingly, dismissed.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Subhasis Dasgupta, J.)

(Tapabrata Chakraborty, J.)