

05.02.2021
Court No.28
rpan /27

C.R.M. 10770 of 2020

(Via Video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Bhimpur Police Station Case No.167 of 2020 dated 28.07.2020 under Section 376AB the Indian Penal Code and Section 6 of the Protection of Children from Sexual Offences Act, 2012.

And

In re: **Uttam Mondal**

- Petitioner

Mr. Atis Kumar Biswas,

Mr. Amit Singh

... for the Petitioner.

Mr. Saswata Gopal Mukherjee, Ld. P.P.,

Mr. Aniket Mitra

... for the State.

The learned advocate appearing for the petitioner submits that the petitioner is in custody for 188 days and although charge-sheet has already been submitted, there is no progress in the case warranting further detention of the petitioner. Additionally, the learned advocate submits that the documents, relied upon by the prosecution, do not inspire that the offences having been committed.

The learned advocate for the State produces the case diary and draws the attention of this Court to the statement of the victim recorded under Section 164 of the Code of Criminal Procedure as well as the statements of other witnesses and the medical evidence.

We have perused the statement of the victim, who is aged about 8 years and having regard to the voluntariness of the

statement as also the age of the present petitioner, being 45 years and the medical report which *prima facie* incriminates the present petitioner with the offence alleged, we are not inclined to grant bail to the petitioner at this stage and as such, the prayer for bail of the petitioner is rejected.

The application for bail, being CRM 10770 of 2020, is disposed of.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)