

02.03.2021
Item No.16
Ct.No.28
Subha
rejected

C.R.M. 10794 of 2020
(Via Video Conference)

Soumen Sarkar @ Vicky
-vs-
The State of West Bengal

In Re: An application for bail under Section 439 Cr.P.C in connection with Topsia P. S. Case No. 138 of 2016 dated 22.09.2016 under Sections 376(2)(i)/376D of the Indian Penal Code and Section 4 of the POCSO Act (Special Case No. 364/16).

Mr. Bibek Chatterjee
Mr. Sankha Suvra Roy
Mr. Tanmoy Chakraborty
Mr. Sourav Dutta

... For the Petitioner.

Mr. Ranabir Roy Chowdhury
Mr. Mainak Gupta

... For the State.

Mr. Chatterjee, learned advocate appearing for the petitioner files a supplementary affidavit. A copy of the same has been served upon the learned advocate for the State. Let the supplementary affidavit be kept with the record.

He further submits that the petitioner has been falsely implicated in the instant case. No overt act has been attributed to the petitioner, as would be explicit from the statement of the victim girl recorded under Section 164 of the Code. The petitioner is languishing in custody since 23rd September, 2016

and there is no possibility towards early conclusion of the trial. In the said conspectus, the petitioner may be enlarged on bail.

Mr. Roy Chowdhury, learned advocate appearing for the State opposes the petitioner's prayer for bail and draws the attention of this court to several documents in the case diary.

We have perused the materials in the case diary, which disclose the involvement of the petitioner in the alleged offence. Considering the gravity of the offence and the extent of complicity of the petitioner, we are not inclined to enlarge the petitioner on bail at this stage. As such, the petitioner's prayer for bail is refused.

The application for bail being CRM 10794 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.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)