

02.02.2021

Item No.16

Ct.No.28

dc.

Rejected

C.R.M. 10823 of 2020

(Via Video Conference)

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

And

In the matter of : **Sandip Roy @ Chotu**

... Petitioner.

Ms. Sonali Das

... For the Petitioner.

Mr. S. G. Mukherji, Ld. P.P.,
Mr. Ranabir Roy Chowdhury,
Mr. Mainak Gupta

... For the State.

The present application under Section 439 of the code of Criminal Procedure has been preferred by the petitioner in connection with SPL No. 74/2020 arising out of Habra P.S. Case No. 105 of 2020 dated 05.03.2020 under Sections 363/365/376 of the Indian Penal Code, 1860 read with Section 6 of POCSO Act and Section 3 of Marriage Act.

The learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. Upon completion of investigation, charge-sheet has already been filed and as such, further detention of the petitioner, who is in custody for 161 days, is not necessary.

Mr. Mukherji, learned Public Prosecutor appearing for the State opposes the petitioner's prayer and draws our attention to several documents in the case diary.

Having heard the learned advocates and considering the materials in the case diary, the gravity of the offence and the extent of complicity of the petitioner in the alleged offence, we are not inclined to enlarge the petitioner on bail at this stage.

Accordingly, the application for bail, being CRM 10823 of 2020, is dismissed.

However, the petitioner would be at liberty to approach this Court after conclusion of evidence of the victim girl.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)