

02.02.2021
Item no.20
Court No.28
Avijit Mitra

C.R.M.10861 of 2020 (through video conference)

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with Krishnagar Kotwali Police Station Case No.135 of 2019 dated 8.3.2019 under Sections 363/366 of the Indian Penal Code subsequently added Sections 363/366/370/376/379 of the Indian Penal Code and Section 14 of the Child Labour Protection Act;
And

In Re : Sariyat Sk. @ Kalam Sk.

.... petitioner

Mr. Prabir Majumder

....for the petitioner

Mr. Binay Panda,
Ms. Puspita Saha

..... for the State

Mr. Majumder, the learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. There is no incriminating material on record against the petitioner. Upon completion of investigation chargesheet has also been filed and as such further detention of the petitioner, who is in custody for 637 days, is not required. Mr. Majumder further submits that the alleged date of incident was 1st February, 2019 and the complaint was lodged about a month thereafter. No overt act has been attributed to the petitioner.

Learned advocate appearing for the State opposes the prayer and draws our attention to several documents in the case diary.

Heard the learned advocates and considering the materials in the case diary, the statement of the victim lady and

the victim child as recorded under Section 164 of the Code of Criminal Procedure, 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 being C.R.M. No.10861 of 2020 is dismissed.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)