

09.03.2021

Item No.24

Ct.No.28

Subha

rejected

C.R.M. 11030 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 : **Bipul Biswas** ... Petitioner.

Mr. Debangana Bhattacharjee

Mr. Nimai Ray

Ms. Swarnali Saha

... For the Petitioner.

Mr. Saswata Gopal Mukherji, PP

Ms. Zareen N. Khan

Ms. Sreeparna Das

... For the State.

The present application under Section 439 of the code of Criminal Procedure has been preferred in connection with Barasat P. S. Case No. 510 of 2020 dated 10-10-2020 under Section 376DA of the Indian Penal Code and Section 6 of the POCSO Act, 2012.

Mr. Bhattacharjee, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. The FIR was registered belatedly about five days after the alleged incident. The petitioner is languishing in

custody for 115 days and a similarly placed co-accused person has already been granted bail. Upon completion of investigation, charge sheet has been filed and in the said conspectus, the petitioner may be enlarged on bail on any stringent condition.

Mr. Mukherjee, learned Public Prosecutor opposes the petitioner's prayer for bail and draws the attention of this Court to the statement of the victim girl, as recorded under Section 164 of the Code of Criminal Procedure. He further submits that the trial has already commenced and about 4 witnesses have been examined so far in the case.

We have taken into account the materials available in the case diary, the stage of the case as well as the incriminating materials appearing against the present petitioner.

Having regard to the complicity of the present petitioner and the stage of the case, we are not inclined to release the present petitioner on bail and the prayer for bail of the present petitioner is rejected at this stage.

With the aforesaid observations, the application for bail being CRM 11030 of 2020 is, accordingly, disposed of.

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.)