

19.02.2021
Court No.28
Item No. 11
Krishnendu
Bail Rejected

**CRM 11197 of 2020
(Via video Conference)**

In Re:- An application for bail under section 439 of the Code of Criminal Procedure ;

And

In Re : Kartick Nayak

Petitioner

Mr. Himangsu De

Mr. Navanil De

Mr. Rajeshwar Chakraborty

For the Petitioner

Mr. Saibal Bapuli, Id. A.P.P.

Mr. Arani Bhattacharyya

For the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Ramnagar Police Station Case No. 138 dated June 09, 2018 under section 372(2)(i) of the Indian Penal Code read with section 6 of the Protection of Children from Sexual Offences Act.

Mr. De, learned senior advocate appearing for the petitioner submits that the petitioner has been falsely implicated in this case. In support of such contention, he has placed reliance upon a medical report annexed at page 25 of the application. Drawing the attention of this Court to the averments made in paragraph 9 of the application, he submits that the trial has been unnecessarily delayed. Such delay is clearly attributable to the prosecution and in view thereof, further detention of the petitioner, who is already in custody for more than two years, is not necessary.

Mr. Bapuli, learned advocate appearing for the State opposes the petitioner's prayer for bail and draws our attention to the statement of the victim girl recorded under section 164 of the Code of Criminal Procedure. He further submits that on the date of incident, the victim girl was only 12 years of age.

Having heard the learned advocates appearing for the respective parties and considering the magnitude of the offence, its ramifications and the extent of complicity of the petitioner in the alleged offence, we are not inclined to exercise any discretion in favour of the petitioner. As such, the prayer for bail of the petitioner is rejected.

Accordingly, the application for bail, being CRM No. 11197 of 2020, is dismissed.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)