

01.07.2021

Court No.28
Item No.12
(REJECTED)

Saswata
&
ab

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT
JALPAIGURI**

(Via Video Conference)

CRM 674 of 2021

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with Mathabhanga Police Station Case No. 337 of 2020, dated 31.08.2020 under Section 376D of the Indian Penal Code (G.R.Case no. 578 of 2020).

And

In the matter of : **Sri Dinesh Barman & Anr.**

...Petitioners

Mr. Satarudriya Mukherjee

...For the Petitioners

Mr. Arun Sarkar,

Ms. Namrata Da.

...For the State.

The Advocate-on-record of the petitioners undertakes to affirm and stamp the petition/application as per the Rules within four weeks from date. Subject to such undertaking, the application is taken up for hearing.

This is a second application for bail at the behest of the petitioners who have been implicated in connection with the aforementioned case and are in custody for more than 7 months.

It is submitted by the learned Advocate for the petitioners that the petitioners are innocent and have fallen prey to the circumstances having no active or passive role in commission of the offence.

Learned Advocate for the State opposes the prayer for bail and submits that the complicity of the petitioners towards the commission of alleged offence cannot be ruled out, as it has been, *prima facie*, found during investigation and they have been shown in the charge-sheet submitted before the Court.

After hearing the respective counsels and on perusal of the findings recorded in an earlier application for bail filed by the petitioners, we find that a *narazi* petition was filed by the petitioners

before the learned Magistrate for discharge of one of the accused persons but despite being aware of the aforesaid fact, the Co-ordinate Bench proceeded to dismiss the said application, as the statement of the victim girl recorded under Section 164 of the Code of Criminal Procedure was found credulous.

We do not find any changed circumstances between the interregnum period from the date of the dismissal of the first application for bail and filing of the instant application.

CRM 674 of 2021 is rejected accordingly.

(Harish Tandon, J.)

(Subhasis Dasgupta, J.)