

CRM (DB) 21 of 2022
(via video conference)

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

And

**In Re : Subhendu Sarkar @ Suvendu Sarkar
@ Shubhendu Sarkar**

.....Petitioner

**Ms. Subhasree Patel
Mr. Soham Banerjee
Ms. Saini Das**

.....for the Petitioner

Ms. Puspita Saha

.....for the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Hanskhali P.S. Case No. 158 of 2019 dated 20.04.2019 under Section 377 of the Indian Penal Code and Section 6 of the Protection of Children from Sexual Offences Act.

Ms. Patel, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. He was arrested about two years after completion of investigation and submission of charge sheet. The allegations levelled against the petitioner are unfounded and he is languishing in custody for more than 80 days. There is also no possibility towards conclusion of the trial in the near future. In the said conspectus, he may be enlarged on bail on any stringent condition.

Ms. Saha, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statement of the victim, as recorded under Section 164 of the Code as well as the injury report.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

Prima facie, there are strong incriminating materials on record against the petitioner. Considering the nature of accusations, the gravity of the offence and its ramifications, we are not inclined to exercise any discretion in his favour. As such, the petitioner's prayer for bail is refused at this stage.

The application CRM (DB) 21 of 2022 is, accordingly, dismissed.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)