

CRM(DB) No.40 of 2022

Via video conference

14.02.22

(S.R.)

Sl.47

Ct.32

In re: An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with **Chinsurah** Police Station Case No.260 of 2021 dated 25/06/2021 under Sections 376(3)/506 of the Indian Penal Code and Sections 4(2)/6(1) of the POCSO Act;

And

In re: Subrata Biswas @ Mamum

... petitioner.

Mr. Ujjal Ray

... for the petitioner.

Mr. Anwar Hossain

Ms. Ratna Ghosh

...for the State.

Mr. Ray, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated in the alleged incident. The relationship between the petitioner and the victim was consensual in nature. Upon completion of investigation charge sheet has also been submitted and as such, further detention of the petitioner, who is in custody for more than 6 months, may not be necessary and he may be enlarged on bail on any stringent condition.

Ms. Ghosh, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statement of the victim girl, who was 15 years old on the date of the alleged incident, as recorded under Sections 161 and 164 of the Code as well as the injury report.

Heard the learned advocate 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 seriousness 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 his favour. As such, his prayer for bail is refused at this stage.

The application for bail being CRM(DB) No.40 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.)