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(AD)

07.04.2022

Court No.29

(Rejected)

C.R.M. (DB) 97 of 2022

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Sagar** P.S. Case No.**186 of 2020** dated **11.12.2020** under Sections **363/365/34** of the Indian Penal Code and Section **4** of the Protection of Children from Sexual Offences Act, 2012. Charge Sheet no.44/2021 dated 10.03.2021 under Sections 363/365/34 of the Indian Penal Code and Section 4 of the Protection of Children from Sexual Offences Act, 2012.

And

In the matter of: Subrata Jana

....petitioner.

Mr. Gobinda Chandra Baidya

...for the petitioner.

Mr. Swapan Banerjee
Ms. Purnima Ghosh

... for the State.

Petitioner renews the prayer for bail.

Learned Advocate appearing for the petitioner submits that the coordinate Bench granted bail to another co-accused on the day when the bail of the petitioner was rejected by this Court.

Learned Advocate appearing for the State draws the attention of the Court to the statement of the victim recorded under Section 164 of the Code of Criminal Procedure.

In her statement, the victim squarely implicates the petitioner.

The age of the victim also need to be taken into consideration.

The petitioner cannot be said to be standing on the same footing as that of the other co-accuseds who were enlarged on bail.

In such circumstances, we do not find any ground to

enlarge the petitioner on bail. Moreover, there is hardly any change in circumstances subsequent to the earlier order of rejection. Consequently, we are unable to grant bail to the petitioner.

Accordingly, the prayer for bail of the petitioner is rejected.

C.R.M. (DB) 97 of 2022 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)