

21 09.02.2022

(AD)

Court No.29

(Rejected)

C.R.M. (DB) 129 of 2022

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Kalyani** P.S. Case No.**467 of 2018** dated **10/11/2018** under Sections **363/366/376/34** of the Indian Penal Code, corresponding to G.R. No.978 of 2018.

And

In the matter of: Avilash Das

....petitioner.

Mr. Sabir Ahmed

Mr. G.K. Das

Mr. Sandip Kumar Mondal

...for the petitioner.

Mr. Prasun Kumar Dutta, Ld. APP

Mr. Subrato Roy

... for the State.

Petitioner renews the prayer for bail.

Learned Advocate appearing for the petitioner highlights the period of detention of the petitioner. He submits that the police submitted charge sheet and, therefore, further detention of petitioner is not required.

Learned Advocate appearing for the State draws the attention of the Court to the earlier order of rejection dated December 7, 2021 and to the statement of the victim recorded under Section 164 of the Code of Criminal Procedure. Charge sheet in the present case was filed sometime in the month of June, 2021. The petitioner was arrested subsequently.

There are materials in the case diary including the statement recorded under Section 164 of the Code of Criminal

Procedure of the victim implicating the petitioner. Moreover, we cannot loose sight of the finding returned in the earlier order of rejection dated December 7, 2021. 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) 129 of 2022 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)