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03.02.2022
(sourav)
Court No.29

(Rejected)

CRM (DB) 182 of 2022

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on 17.01.2022 in connection with **Eco Park** Police Station Case No. **222** of **2020** dated **05.12.2020** under Sections **376D/342/506** of the Indian Penal Code and Section **06** of the Protection of Children From Sexual Offences Act.

And

In the matter of: **Sirajul Biswas.**

....petitioner.

Mr. Angshuman Chakraborty
Mr. S. S. Saha

...for the petitioner.

Mr. Bivas Chatterjee
Mr. Swapan Banerjee
Ms. Purnima Ghosh

... for the State.

Petitioner renews the prayer for bail.

Learned Advocate appearing for the petitioner submits that subsequent to the earlier order of rejection dated July 30, 2021 the evidence of the victim girl was recorded. He contends that the victim girl was unable to identify the petitioner. He highlights the fact that the petitioner was not identified in the Test Identification Parade also.

Learned Advocate appearing for the State submits that the petitioner was identified by the victim girl at the trial. He refers to the deposition of the victim girl in such context.

Considering the gravity of the offence and the involvement of the petitioner therein and considering the fact that trial is ongoing and considering the fact that there is hardly any change in circumstances subsequent to the order dated July 30, 2021, we are unable to grant bail to the petitioner.

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

C.R.M. (DB) 182 of 2022 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)

