

04.03.22

(S.R.)

Sl.24

Ct.32

In re: An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with **Udaynarayanpur** Police Station Case No.93 of 2021 dated 29/06/2021 under Sections 376(2)(f)(i) of the Indian Penal Code and Section 6 of the POCSO Act (Special Case No.31 of 2021);

And

In re: Lakshmikanta @ LaxmiKanta Adhikary ... petitioner.

Mr. Achyut Basu

Ms. Sonam Basu

Ms. Punam Basu

... for the petitioner.

Mr. Saswata Gopal Mukherji, Ld. PP

Ms. Faria Hossain

Mr. Anand Keshari

...for the State.

Mr. Basu, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. He is languishing in custody for 240 days. Upon completion of investigation charge sheet has also been submitted and as such, further detention of the petitioner may not be necessary and he may be enlarged on bail on any stringent condition.

Mr. Keshari, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statement of the victim girl, who was about six years old at the time of the alleged incident, the injury report and the statements of other witnesses.

Heard the learned advocates 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.

However, the Learned Court below is directed to take up the issue of consideration of charges on the next date, without granting any unnecessary adjournment to either of the parties.

With the above observations and directions, the application for bail being CRM(DB) No.225 of 2022 is, accordingly, disposed of.

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.)