

14.03.2022
Court No.32
Item No.25
Avijit Mitra

C.R.M. (DB) No.326 of 2022

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Rajapur Police Station case no.251 of 2021 dated 20.09.2021 under Sections 363/365/376 of the Indian Penal Code read with Section 6 of the Protection of Children from Sexual Offences Act, 2012;
And

In Re : Puspen Bera @ Babai

.... petitioner

Mr. Ranadeb Sengupta,
Mr. Sachit Talukdar

...for the petitioner

Mr. Binay Panda,
Mr. Subham Bhakat

....for the State

Mr. Sengupta, learned lawyer appearing for the Petitioner submitted that this is the first application praying for bail. The allegation is false and baseless. The victim girl refused medical examination. There is no chance of immediate commencement of trial. Date is only fixed for supply of copy of the documents. In such circumstances he prays for bail.

Per contra, Mr. Bhakat, learned lawyer appearing for the State submitted that victim girl's statement consistently accuses the present petitioner for commission of the alleged offence even though the victim has refused medical examination. Since the allegation is serious, he opposes the bail application.

We have heard the rival submissions and perused the case diary. The victim girl's mother refused to give consent for medical examination of the victim. However, victim's statement recorded

under sections 161 and 164 of the Code of Criminal Procedure consistently implicate the present Petitioner in the alleged offence.

Therefore, considering the seriousness and gravity of the offence, we are not inclined to allow the instant application for bail at this stage.

Accordingly, the application for bail, being CRM (DB) No.326 of 2022, is dismissed.

However, we direct the learned Trial Court to consider the charge, if not done, within a period of 30 days from the date of communication of this order and to finish the trial, if the charge is so framed, preferably within a period of six months.

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)