

08.02.2022

Serial no.46

Dd

CRM (DB) 359 of 2022

In re : An Application for **Bail** under Section **439** of the Code of Criminal Procedure in connection with **Taldanga** Police Station Case No. **47** of **2020** dated **3rd August, 2020** under **Sections 305 and 34** of the Indian Penal Code (Corresponding GR Case Number **214** of **2020**)

-And-

In the matter of : Chittaranjan Rakshit @ Pintu
... ..**Petitioner**

Mr. Mrinal Kanti Mukherjee, Advocate
... .. For the Petitioner

Mr. Anowar Hossain,
Ms. Ratna Ghosh, Advocates
... ..For the State

Petitioner renews the prayer for bail.

It is sad to note that the petitioner made a false statement on oath in the first paragraph of the petition. According to the petitioner, save and except an order of rejection dated January 13, 2022 passed by the Learned Additional Session Judge, Khatra, Bankura, the petitioner did not move this Hon'ble Court or any other Court.

It appears from the records that the petitioner moved this Hon'ble Court for bail being CRM 2099 of 2021 which was rejected on July 12, 2021.

In view of such conduct of the petitioner and in view of the gravity of the offence and the involvement of the petitioner therein, we are not inclined to grant bail to the petitioner.

However, mere rejection of the prayer for bail will not be sufficient in view of the conduct of the petitioner as

noted above. The petitioner sought to mislead this Court by making a false statement with regard to his prayer for bail knowing it to be false. The conduct of the petitioner should also be considered in light of the order dated July 12, 2021 passed in CRM 2099 of 2021 by which the prayer for bail of the petitioner was rejected. There it was observed, in respect of the petitioner as follows:-

"This is an application for bail in connection with Taldangra Police Station Case No. 47 of 2020 dated 03.08.2020 under Sections 305/34 of the Indian Penal Code corresponding to G.R Case no. 214 of 2020.

The victim was traumatized and had undergone a psychological treatment by repeated counseling in connection with another case lodged against the petitioner for sexual assault.

The victim girls was minor and therefore, the Section under the POCSO Act was also added thereto.

The present case has been lodged for the suicide committed by the said victim minor girl allegedly on the premise that after the petitioner was released on bail in connection with the earlier case, there was a perception of threat being put by the petitioner which relates to the committal of death by hanging.

The petitioner is already in custody for two hundred and eight days. There has been statement not only of the mother of the victim girl but also other witness. The gravity thereof cannot be ruled out at this stage. We do not think that it is a fit case where petitioner should be enlarged on bail.

Accordingly, the prayer for bail is rejected."

In the circumstances, it would be appropriate to direct custodial trial of the petitioner.

This application for bail is **disposed of**.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)

