

02.03.2022

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Ct. No. 29

**KAUSHIK
REJECTED**

C.R.M. (DB) 496 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Nabagram** Police Station Case No. **114** of **2021** dated 04.06.2021 under Sections 376D/506 of the Indian Penal Code, 1860 read with Sections 4/6/8 of the Protection of Children from Sexual Offences Act, 2012.

And

In Re : Nazir Hassain @ Dhalo @ Nazir Hossain.
..... petitioner

Mr. Navanil De
Mr. Rajeshwar Chakraborty
Mr. Subhrajit Dey
....for the petitioner

Mr. Phiroze Edulji
Mr. Samrat Goswami
....for the CBI

Petitioner seeks bail.

Learned advocate appearing for the petitioner submits that, the petitioner is in custody for 295 days. The police filed charge-sheet and, therefore, further detention of the petitioner is not required.

Learned advocate appearing for the Central Bureau of Investigation (CBI) draws the attention of the Court to the statement of the victim recorded under Section 164 of the Code of Criminal Procedure (Cr.P.C.). He submits that, the petitioner was one of the other persons who were involved in ravishing the victim. There is another case pending against the petitioner involving similar nature of offences. The petitioner was

subsequently identified in the Trade Identification Parade. He also submits that, the petitioner deliberately filed an application without making his client a party-respondent knowing fully well that the investigations were being conducted by his client.

There is substance in the submission made on behalf of the CBI. This practice of not making CBI as a party respondent when it is conducting the investigations is deprecated.

Considering the gravity of the offence and the involvement of the petitioner therein, we are unable to grant bail to the petitioner.

In such circumstances, prayer for bail of the petitioner is rejected and the application being CRM (DB) 496 of 2022 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)