

C.R.M. (DB) 527 of 2022

24.03.2022
Sl. 90
Court No.29
sourav
(Rejected)

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on **19.02.2022** in connection with **Maipith Coastal** Police Station Case No. **30** of **2020** dated **23.03.2020** under Sections **376AB/506** of the Indian Penal Code and Sections **6/12** of the POCSO Act.

And

In the matter of: **Biswajit Hazra @ Hajra**

....petitioner.

Mr. Angshuman Chakrabarty,
Mr. Shashanka Shakher Saha,

...for the petitioner.

Mr. Rudradipta Nandy,

...for the State.

Petitioner prays for bail.

Learned advocate appearing for the petitioner submits that the petitioner is in custody for 2 years. He draws the attention of the Court to the deposition of the prosecution witness nos. 1 and 2. He submits that the victim and her husband both turned hostile. There are no materials on record now to implicate the petitioner.

Learned advocate appearing for the State submits that the examination of witnesses is yet to be concluded. In a statement recorded under Section 164 of the Criminal Procedure Code, the victim implicated the petitioner. The medical evidence collected at that point of time corroborates the incident.

It appears from the records that the victim in her deposition turned hostile. She explained her bleeding injury on her private part on her falling down and sustaining an injury.

The doctor examining the victim is yet to be produced as a witness at the trial.

In such circumstances, despite the victim turning hostile, considering the gravity of the offence and the involvement of the petitioner therein as transpiring from the materials in the case

diary, we are unable to grant bail to the petitioner.

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

C.R.M. (DB) 527 of 2022 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)

