

02.03.2022

47

Ct. No. 29

**KAUSHIK
REJECTED**

**C.R.M. (DB) 590 of 2022
(through Video Conference)**

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Namkhana** Police Station Case No. **47** of **2019** dated **27.04.2019** under Section 376(2)(i) of the Indian Penal Code, 1860 read with Section 6 of the Protection of Children from Sexual Offences Act, 2012 (Charge-sheet filed under Section 376(2)(i) of the Indian Penal Code, 1860 read with Section 6 of the Protection of Children from Sexual Offences Act, 2012.

And

In Re : Anup Kamila.

..... petitioner

Mr. Balaram Pandit

....for the petitioner

Mr. Rudradipta Nandy

....for the State

Petitioner seeks bail.

Learned advocate appearing for the petitioner submits that, the petitioner is in custody in excess of three years. He draws the attention of the Court to the evidence of the victim as well as the doctor examining the victim.

Learned advocate appearing for the State draws the attention of the Court to the contents in the case diary.

The evidence led at the trial should be evaluated by the trial Court. As a Court considering a prayer for bail we need not detain ourselves to evaluate the evidence led at the trial to decide on the prayer for bail. However, suffice to say that the evidence presently available on record implicates the petitioner.

Consequently, 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) 590 of 2022 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)