

CRM 5782 of 2021
(via video conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure ;

And

In Re : Basudev Hazra

.....Petitioner

Mr. Suman De
Mr. Ranjit Singh

.....for the Petitioner

Mr. Ashok Das

.....for the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with J. B. Pur P.S. Case No. 94/2021 dated 13/06/2021 under Sections 376(AB)/376(2f) of the Indian Penal Code and Section 6 of the POCSO Act, 2021.

Considering the submission of Mr. De, learned advocate appearing for the petitioner this Court called for a report on 2nd February, 2022 as regards the present health status of the petitioner.

Pursuant to such direction, Mr. Das, learned advocate appearing for the State has placed before us a report of the Superintendent, Howrah District Correctional Home. Let the same be kept on record.

Perusal of the said report reveals that the petitioner is suffering from Hypertension and is taking medicines accordingly. It has also been opined that the petitioner is presently well.

Considering the materials in the case diary including the statement of the victim girl, as recorded under Section 164 of the Code, the seriousness of offence and the extent of complicity of the petitioner in the alleged offence, we are not inclined to exercise any discretion in his favour. As such, the petitioner's prayer for bail is refused at this stage.

The application CRM 5782 of 2021 is, accordingly, dismissed.

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.)