

CRM 6281 of 2021
(via video conference)

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

And

In Re : Rashid Ali Mondal

.....Petitioner

Mr. Subhabrata Chowdhury

.....for the Petitioner

Mr. Sudip Ghosh

Mr. Bitasok Banerjee

Mr. Apurba Kumar Datta

.....for the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Narendrapur P.S. Case No. 682 of 2021 dated 28-05-2021 under Sections 376(3)/354B/354D/509/34 of the Indian Penal Code and Section 4 of the Protection of Children from Sexual Offences Act, 2012.

Mr. Chowdhury, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated in an alleged incident which, according to the complainant, occurred on 5th September, 2020. However, the complaint was lodged on 28th May, 2021. There is no explanation for such delay. Upon completion of investigation, charge sheet has already been submitted. But there had been no progress thereafter. The petitioner is languishing in custody for 265 days and in the said conspectus, the petitioner may be enlarged on bail on any stringent condition.

Mr. Ghosh, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statement of the victim girl, as recorded under Section 164 of the Code as well as the medical report.

Answering our query Mr. Ghosh submits that the girl was about 13 years of age at the time of the alleged incident whereas the petitioner was about 32 years of age.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

Prima facie, there are strong incriminating materials on record against the petitioner. Considering the statement of the victim girl, as recorded under Section 164 of the Code and other materials in the case diary, the seriousness of the 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 6281 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.)