

17.08.2022.

11.

Ct.No.28

as

(Rejected)

C.R.M. (DB) 2705 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with CBI RC Case No.0562022S0011 dated 13.04.2022 arising out of Hanskhali P.S. Case No.327 of 2022 dated 10.04.2022 under Sections 120B read with Sections 34/302/376(DA)/201/304/342/506 of the Indian Penal Code and Section 6 of the POCSO Act.

In the matter of : Surajit Roy.

....Petitioner.

Mr. Susnigdho Bhattacharyya.

...for the Petitioner.

Mr. Dhiraj Trivedi, Ld. ASG,
Mr. Samrat Goswami,
Mr. Shailendra Mishra.

...for the State.

Heard the learned Advocates appearing for the parties.

Learned Counsel appearing for the petitioner submits he was a child in conflict with law at the time of occurrence. He is no way connected with the offence of rape or cremation of the body of the victim. His involvement in the crime is marginal and not corroborated by all witnesses. Investigation is complete. He is barely 17 years old and is in custody for more than 100 days. He prays for bail.

Learned Assistant Solicitor General opposes the prayer for bail. He submits victim girl had been subjected to gang rape by one Brojo Gayali and Ranjit. She returned home. Blood was oozing from her private parts. Petitioner along with Brojo and Akash unleashed a reign of terror. They threatened to burn the houses if the family members took the victim to a doctor or reported the matter to police. No medical assistance could be

given to the victim throughout the night. On the next morning, one of the family members contacted a local doctor and some medicines were prescribed but it was too late. Victim had died in the meantime. Thereafter, the family was forced to cremate the victim without conducting post mortem examination. Petitioner played an active part in the crime particularly in obstruction to provide immediate medical assistance to the victim which would have saved her life. Juvenile Board directed the petitioner to be treated as an adult.

We have considered the materials on record. The instant case depicts an heinous act of gang rape of a minor. Minor was invited to the birthday party of one Brojo. Thereafter, she was gang raped. She somehow returned home with bleeding oozing from her private parts. The aforesaid Brojo and his associates which includes the petitioner unleashed a reign of terror and threatened family members not to take the daughter to hospital. As a result, immediate medical attention could not be given which resulted in her unfortunate death. Conduct of the petitioner reveals his daring and dangerous nature. His aggressive behaviour along with Brojo and Akash prevented immediate medical attention from being provided to the minor which may have saved her life. Possibility of the petitioner intimidating and threatening witnesses if released on bail cannot be ruled out.

In view of the aforesaid incriminating circumstances and the gravity of offence, we are not inclined to grant bail to the petitioner at this stage.

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

(Ananya Bandyopadhyay,J.)

(Joymalya Bagchi, J.)