

03.01.2022
Court No.32
Item No. 48
Avijit Mitra

C.R.M. 8205 of 2021

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

And

In Re : Sujoy Basu

.... petitioner

Mr. Aniket Mitra,

Mr. Rananjay Chatterjee

...for the petitioner

Mr. Bidyut Roy,

Ms. Sima Biswas

...for the State

Languishing in custody for about 300 days, the present application under Section 439 of the Code of Criminal Procedure is filed praying for bail in connection with Baruipur Women Police Station Case No.29 of 2021 dated 11.03.2021 under Section 6 of the Protection of Children from Sexual Offences Act read with sections 376(3)/376(2)(f) of the Indian Penal Code.

Mr. Mitra, learned lawyer for the petitioner submitted, that chargesheet has been filed for which custodial detention is not necessary. It is further submitted that the petitioner has been falsely implicated in this case without any rhyme or reason and no incriminating elements are there against the present petitioner. Accordingly, he prays for bail.

Per contra, Mr. Ray, learned lawyer representing the State invited our attention to the statement of the victim, medical report

and other statement of the witnesses and submitted that strong incriminating elements are there against the present petitioner. He also submitted that the present petitioner is a married person and the victim is only 12 years old. In a nutshell, Mr. Roy strongly opposed the bail application.

We have heard the rival submissions and perused the case diary. From the statement of witnesses and the statement of the victim and other materials on record, we find strong incriminating elements against the present petitioner. Although chargesheet has been filed, charges are yet to be considered. The victim girl is yet to be examined. Therefore, we are of the considered opinion that this is not the right time to allow the petitioner to be enlarged on bail. Accordingly, bail application is rejected.

We direct the learned Trial Court to consider the charge, if not done, within a period of one month from the date of communication of this order and to expedite trial subsequently.

The application for bail, being CRM No.8205 of 2021, is disposed of.

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)