

CRM 8312 of 2021
(via video conference)

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

And

In Re : Dipak Barman

.....Petitioner

Mr. Kaushik Chowdhury

.....for the Petitioner

Ms. Zareen N. Khan

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 Raiganj Women P.S. Case No. 161 of 2020 dated 28.10.2020 under Sections 363/365/376(3) of the Indian Penal Code read with Sections 4/18 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. Upon completion of investigation, charge sheet has already been filed. There are discrepancies in the statements recorded by the witnesses and in the said conspectus, the petitioner may be enlarged on bail on any stringent condition moreso when he has suffered incarceration for about 402 days.

The learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statements of the victim girls and the injury reports. She further submits that the victim girls were aged about 13 years and 14 years

respectively and there are strong incriminating materials against the petitioner. The petitioner herein is also the owner of the vehicle which was seized in course of the investigation.

Having heard learned advocates appearing for the respective parties and considering the materials in the case diary, the seriousness of the offences, the nature of accusations and the extent of complicity of the petitioner in the alleged offence, we are not inclined to exercise our discretion in his favour and as such, the prayer for bail is rejected at this stage.

The application being CRM 8312 of 2021 is 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.)