

CRM 8315 of 2021
(via video conference)

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

And

In Re : Sanju Singh

.....Petitioner

Mr. Mrityunjoy Chatterjee
Md. Golam Nure Imrohi

.....for the Petitioner

Mr. Partha Pratim Das
Ms. Manasi Roy

.....for the State

Languishing in custody for about 290 days, the present application is filed in connection with Harwood Point Coastal P.S. Case No. 283 of 2020 dated 17.12.2020 under Sections 363/365/366 of the Indian Penal Code read with Section 6 of the Protection of Children from Sexual Offences Act praying for bail.

Mr. Chatterjee, learned lawyer appearing for the petitioner submitted that there are incongruities in evidence and statements of the witnesses. He further invited our attention to the fact that the victim girl refused medical examination for which valuable evidence is not available to corroborate the allegation against the present petitioner. Since charge sheet has been filed, further custodial detention is not necessary. Charge has also not been framed. Co-accused are on bail. Accordingly, bail is prayed for.

Per contra, Mr. Das, learned lawyer appearing for the State submitted that there are very strong incriminating elements

against the present petitioner. The victim girl was recovered from Uttarakhand. The statement of the victim girl clearly implicates the present petitioner in the commission of alleged offence. The co-accused who are on bail, are not in the same footing as the present petitioner is. Accordingly, he strongly opposed the prayer for bail.

Heard the rival submissions and perused the materials in the case diary. It appears that the victim was recovered in Delhi from one Mukti Foundation. The statements of the victim indicates the complicity of the present petitioner in the alleged offence. At this stage, we are able to find strong incriminating elements against the petitioner. Since the victim is minor and the allegation is grave and serious and there are strong incriminating elements against the petitioner, we are not inclined to allow the prayer for bail and the same stands rejected.

The application being CRM 8315 of 2021 is dismissed.

We, however, direct the learned Special Court under the POCSO Act to expedite consideration of charge and subsequent stages of trial.

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.)