

31.01.2022

Court No.32
rpan/10

CRM 8435 of 2021

[Through Video Conferencing]

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

And

In Re : **Pradip Sardar @ Prodip Sadar**

- Petitioner

Mr. Atis Kumar Biswas,
Mr. Amit Singh,
Mr. Jyoti Agarwal
... for the Petitioner.
Mr. Tanmoy Ghosh,
Mr. Arindam Sen
... for the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Tehatta Police Station Case no.472 of 2021 dated 18.09.2021 under Sections 363/365/34 of the Indian Penal Code, 1860 and Section 4 of the Protection of Children from Sexual Offences Act, 2012.

Mr. Biswas, learned advocate appearing for the petitioner submits that there was a consensual relationship between the petitioner and the victim. The allegations levelled against the petitioner are unfounded. The petitioner along with his family members has been falsely implicated.

He further submits that the petitioner has already suffered incarceration for more than 134 days and in the said conspectus, he 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 several

documents in the case diary, including the statement of the victim girl, as recorded under Section 164 of the Code.

Answering our query, he submits that date has been fixed on 3rd February, 2022 for framing of charge.

Having heard the learned advocates appearing for the respective parties and considering the materials in the case diary, the seriousness of the offence, the stage of the proceedings 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, his prayer for bail is refused at this stage.

The application for bail, being CRM No.8435 of 2021 is, thus, 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)