

CRM No.8634 of 2021

Via video conference

03.02.22

(S.R.)

Sl.28

Ct.32

In re: An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with **Habra** Police Station Case No.608 of 2021 dated 07/09/2021 under Sections 376(2)(n)/376AB of the Indian Penal Code and Section 6 of the Protection of Children From Sexual Offences Act;

And

In re: Bimal Kumar Biswas

... petitioner.

Mr. Susnigdho Bhattacharyya

... for the petitioner.

Mr. Md. Anwar Hossain

Mrs. Benajir Hasna

...for the State.

Mr. Bhattacharyya, learned advocate appearing for the petitioner submits that the petitioner is innocent and he has been falsely implicated. Upon completion of investigation charge sheet has also been submitted and as such, further detention of the petitioner, who is in custody for about 150 days, may not be necessary.

Mr. Hossain, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statement of the victim girl, as recorded under Section 164 as well as the medical report. Answering our query, he submits that the girl was about 5 years old and the petitioner was about 50 years old at the time of the alleged incident.

Heard the learned advocates and considered the materials in the case diary.

Prima facie, we find strong incriminating materials against the petitioner. Considering the magnitude of the offence, its ramifications 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.8634 of 2021 is, accordingly, 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.)