

CRM No.8659 of 2021

**Via video conference**

03.02.22

(S.R.)

Sl.33

Ct.32

In re: An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with **Berhampore** Police Station Case No.1021 of 2021 dated 12/09/2021 under Sections 448/376/325/506 of the Indian Penal Code and Section 4 of the POCSO Act and after filing of charge sheet being charge sheet no.1437 of 2021 dated 09/11/2021 under Sections 448/325/376/506 of the Indian Penal Code;

And

**In re: Sannyasi Khamaru**

**... petitioner.**

Mr. Samiran Mandal

Mr. Abhinaba Dan

... for the petitioner.

Mr. Debabrata Chatterjee

Ms. Debjani Sahu

...for the State.

Mr. Mandal, learned advocate appearing for the petitioner submitted that the present petitioner is falsely implicated at the behest of some other persons who influenced the *de facto* complainant to initiate the instant prosecution alleging serious offences. It is further submitted by Mr. Mandal that the petitioner is innocent and that the petitioner is in custody for about 140 days. There is no immediate prospect of commencement of trial although charge sheet has been filed. Referring to substantial custodial detention, Mr. Mondal prays for bail.

Ms. Sahu, learned advocate appearing for the State submitted that strong incriminating elements are there against the present petitioner. Referring to the nature of allegation and the offence, Ms. Sahu strongly opposes the bail application.

We have heard the rival submissions and perused the case diary. We have perused the statement of the victim girl where strong incriminating elements are there against the present petitioner. We have also perused the medical report where the victim was examined

after four days of the alleged incident. We find strong incriminating elements as well as the corroborative materials. Charge is yet to be framed and the victim is yet to be examined. Therefore, at this stage, we are not inclined to allow bail and the same stands rejected.

The application for bail being CRM No.8659 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.)**