

03.01.2022
Serial no. 31
Aloke

(Through Video Conference)

CRM 8846 of 2021

In re : An Application for Bail under Section 439 of the Code of Criminal Procedure filed on 21.12.2021 in connection with Narendrapur Police Station Case No. 449 of 2020 dated 25.05.2020 under Sections 376A of the Indian Penal Code and Section 6 of the POCSO Act.

-And-

In the matter of : Basudev Adkhkary

... ..Petitioner

Mr. Anirban Guhathakurta, Advocate

Mr. Sanat Kr. Das, Advocate

Mr. Sujan Chatterjee, Advocate

... .. For the Petitioner

Mr. Md. Anwar Hossain, Advocate

Ms. Sreyashee Biswas, Advocate

... ..For the State

Petitioner renews the prayer for bail.

Learned advocate appearing for the petitioner highlights the medical condition of the petitioner. He submits that the petitioner is suffering from Hemiparesis. He also highlights the fact that the petitioner is in custody for 590 days. He contends that since charges were framed, further detention of the petitioner is not required.

Learned Advocate appearing for the State draws the attention of the Court to the statement recorded under Section 164 of the Code of Criminal Procedure.

The medical condition of the petitioner was canvassed on August 19, 2020 for grant of bail when the same was considered and the prayer for bail was rejected. The same medical condition prevails today. There is hardly any change in circumstances subsequent to August 19, 2020 on the medical front or any other aspects save and except the continued period of detention. There is no medical evidence

on record to suggest that there is a change in circumstances subsequent to August 19, 2020. It is not the case of the petitioner that the Superintendent of Correctional Home is not extending necessary medical assistance to the petitioner subsequent to the order dated August 19, 2020.

Considering the statement recorded under Section 164 of the Code of Criminal Procedure and the materials on record, we are unable to grant bail to the petitioner.

Consequently, CRM 8846 of 2021 is rejected.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)