

29.09.2022
S/L No.5
KS

C.R.M. (SB) 233 of 2022
Debashis Mukherjee
-Vs.-
The State of West Bengal

In Re.: An application for bail under Section 439 of the Code of Criminal Procedure.

Mr. Tanmoy Chowdhury
Ms. Ritoprita Ghosh
.....For the Petitioner
Mr. Soumik Ganguli
..... For the State

Learned advocate appearing for the petitioner submits that the petitioner is in custody for about 66 days and charge-sheet has not been submitted before the Jurisdictional Court. It has been submitted that the victim has been falsely implicated in the instant case. The present petitioner happens to be her father and to that extent the other children have a different version to submit.

Mr. Soumik Ganguli, learned advocate appears for the State and produces the Case Diary and draws the attention of the Court to the statement of the victim recorded under Section 164 of the Code of Criminal Procedure. Learned advocate on clarification from the Investigating Officer has submitted that charge-sheet has been filed within the statutory period and, as such, the petitioner is not entitled to be released on default bail.

I have perused the materials appearing in the Case Diary including the statement of the victim and on consideration of the same, I am of the opinion that this is not a fit case for releasing the petitioner on bail.

Accordingly, the prayer for bail of the petitioner is rejected.

However, the petitioner would be at liberty to approach this Court after the evidence of the victim is recorded.

Thus, C.R.M. (SB) 233 of 2022 is disposed of.

All parties are directed to act on the server copy of this order downloaded from the official website of this Hon'ble Court.

(Tirthankar Ghosh, J.)