

10-04-2023
Subha
Item no.01
Bail rejected

IN THE HIGH COURT AT CALCUTTA
Criminal Miscellaneous Jurisdiction
Appellate Side

CRM (SB) 68 of 2023

Goutam Biswas

-vs-

The State of West Bengal & Anr.

In Re: An application for bail under Section 439 of the code of Criminal Procedure, 1973 filed on 30th March, 2023 in connection with Santipur P. S. Case No. 137 of 2023 dated 14.02.2023 under Sections 448/354A of the Indian Penal Code and Section 8 of the POCSO Act.

Mr. Angshuman Chakraborty
Mr. S. S. Saha

...for the petitioner.

Mr. S. S. Imam
Mr. S. Kundu

... for the State.

Mr. Prasun Mukherjee
Mr. Sourav Mukherjee

....for the de facto complainant.

Mr. Chakraborty, learned advocate appearing on behalf of the petitioner submits that the petitioner is in custody since 19th February, 2023 and the Investigating Agency on conclusion of investigation has already submitted chargesheet. Learned advocate for the petitioner further submits that there was a dispute between the two families over the usage of a public toilet and as such petitioner has been falsely implicated in connection with the instant case.

Learned advocate for the State produces the case diary and draws the attention of this court to the statement of the victim under Section 164 of the Code of Criminal Procedure.

Learned advocate for the private opposite party/complainant is present and also opposes the contention advanced on behalf of the petitioner.

I have considered the submissions advanced by the learned advocate appearing on behalf of the respective parties and on an appreciation of the same, I am of the opinion that the petitioner cannot be released on bail at this stage when the charges are yet to be framed before the learned trial court. The petitioner would be at liberty to renew the prayer for bail after the examination of the victim is over.

Accordingly, the application for bail being CRM (SB) 68 of 2023 is rejected.

All concerned parties shall act in terms of the copy of the order downloaded from the official website of this Court.

Urgent Photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

[Tirthankar Ghosh, J]