

19-06-2023
Subha
Item no.07
Bail rejected

IN THE HIGH COURT AT CALCUTTA
Criminal Miscellaneous Jurisdiction
Appellate Side

CRM (SB) 110 of 2023

Dipankar Das

-vs-

The State of West Bengal & Anr.

In Re: An application for bail under Section 439 Cr.P.C in connection with Santipur P.S. Case No.260 of 2020 dated 22.06.2020 under section 10 of the POCSO Act and S.120B IPC.

Ms. Sananda Bhattacharya

...for the petitioner.

Mr. Pravas Bhattacharya

Mr. MFA Begg

... for the State.

Mrs. Trina Mitra

...for the O. P. No. 2/HCLSA.

Learned advocate for the petitioner submits that the petitioner after having instructions regarding the registration of the present case being Santipur P.S.Case No. 260 of 2020 dated 22.06.2020 surrendered before the learned special court and he has been taken into custody.

Learned advocate submits that on and from 31st March, 2023, the petitioner is in custody and the present case was initiated as a counter-blast to an earlier complaint which was filed. It has also been prayed that on any condition the petitioner may be granted bail.

Learned advocate for the private opposite party opposes the prayer for bail of the petitioner and submits that the petitioner is thickly connected and further his wife is still absconding and there is no possibility of the trial commencing without both the accused persons appearing before the court.

Mr. Bhattacharaya, learned advocate appearing on behalf of the State opposes the prayer for bail of the petitioner and draws the attention of this court to the statement of the victim recorded under Section 164 of the Code of Criminal Procedure.

I have considered the statement of the victim recorded under Section 164 of the Code of Criminal Procedure and other statements of the witnesses and I am of the opinion that this is not a fit case for releasing the petitioner on bail as the other accused persons are still absconding and the petitioner also absconded for a considerable period of time.

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

Thus, the application for bail, being CRM (SB) 110 of 2023 is disposed of.

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]

