

23.08.2023
Sl. No.41
akd
[Rejected]

C. R. M. (DB) 3307 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 14.08.2023 in connection with Bharatpur Police Station Case No.54 of 2023 dated 20.02.2023 under Sections 363/365/376(3)/302/201 of the Indian Penal Code and Section 6 of the POCSO Act.

And

In Re: ***Binod Mondal***

... .. Petitioner

Mr. Manas Kumar Das
Mr. Aritra Kumar Thokdar

... .. for the petitioner

Mr. Rudradipta Nandy .. Id. Addl. Public Prosecutor
Mrs. Sonali Das
Mr. Iqbal Kabir

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about 160 days. It is further submitted there is no direct evidence connecting him with rape and murder. Minor had a relationship with one Mahadev Sarkar. She had gone out to meet the said Mahadev Sarkar. Initially, petitioner was not implicated in the case. Subsequently, he has been falsely implicated. Investigation is complete. Accordingly, he prays for bail.
2. Learned Additional Public Prosecutor opposes the prayer for bail and submits petitioner had a grudge against the victim. On the fateful night, he was seen near the place of occurrence and the victim was following her. Subsequently, the body as well as the wearing apparels of the victim were recovered from a field.
3. We have considered the materials on record. Statements of witnesses disclose minor had gone out to meet Mahadev Sarkar. After meeting him, she left for her residence. Petitioner had a grudge

towards the victim. Statement of witness also discloses he was seen going towards the place of occurrence. Victim was seen following him. It is contended that the said statements were belatedly recorded. Impact of delayed examination of witnesses can be assessed during trial. However, further investigation with regard to forensic report as well as DNA report is awaited. In view of gravity of the offence and as further investigation regarding collection of forensic as well as DNA reports is awaited, we are not inclined to grant bail to the petitioner at this stage.

4. The application for bail is thus rejected.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)