

02.11.2023
Court No.8
(D/L 56)
(jb.)
jdt.

CRM (DB) 4228 OF 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure, 1973 filed on 25th October.2023 in connection with Rampurhat Police Station Case No. 193 of 2020 dated 10.06.2020 under Sections 447/448/323/325/354/302/34 of the Indian Penal Code.

And

In the matter of: **Goutam Let**

... Petitioner.

Mr. Bitasok Banerjee

... for the petitioner.

Mr. Swapan Banerjee

Ms. Purnima Ghosh

... for the State.

1. Learned counsel for the petitioner seeks to highlight that the plinth of the allegations were of an assault outside the house of the victim, primarily by females. It is submitted that initially the investigation did not fructify. However, subsequently upon direction of this Court reinvestigation was conducted and certain allegations were made against the petitioner. It is thus contended that the circumstances justify the enlargement of the petitioner on bail. It is further argued that the petitioner has already in custody for more than 500 days.

2. Learned counsel for the State seriously opposes the prayer for bail and argues that initially there were some laches in the

investigation, for which a re-investigation was directed by this Court, when the actual facts were unearthed. In the statement of one of the witnesses, it is found that the said witness himself saw the commission of offence by the petitioner. Hence, on the basis of such eye-witness statement and the gravity of the offence, the prayer for bail is opposed.

3. Upon considering the materials on record, we are of the opinion that upon reinvestigation, sufficient *prima facie* evidence has been brought on record to indicate the involvement of the petitioner in the offence, at least *prima facie*. Hence, considering the gravity of the offence alleged, we are not inclined to grant bail to the petitioner.

4. Accordingly. CRM (DB)4228 of 2023 is dismissed.

5. It is, however, expected that the trial will be concluded as expeditiously as possible, preferably within one year after commitment.

(SABYASACHI BHATTACHARYYA, J.)

(PARTHA SARATHI CHATTERJEE, J.)