

08-12-2023
Subha
Item no.9
Bail rejected

IN THE HIGH COURT AT CALCUTTA
Criminal Miscellaneous Jurisdiction
Appellate Side

CRM (SB) 217 of 2023

Debasis Mukherjee

-vs-

The State of West Bengal & Anr.

In Re: An application for bail u/s. 439 Cr.P.C

Mr. Tapan Dutta Gupta
Mr. Parvez Anam
Mr. Arindam Kanjilal

...for the petitioner.

Mr. Joydeep Roy, Id. Jr. govt. adv
Ms. Ayantika Roy

... for the State.

Learned advocate for the petitioner submits that there are contradictions both in the version of the victim as well as the mother which should yield the benefit to the present petitioner who is in custody for about 504 days.

Learned advocate further submits that the petitioner has been falsely implicated by the mother and to that extent attention of the court was drawn to the certain part of cross-examination of both the victim as well as the mother of the victim. On any ground, the learned advocate appearing for the petitioner prays for bail of the petitioner.

On the other hand, Mr. Roy, learned advocate appearing for the State submitted a report including the event.

I have considered the evidence of the victim as well as the mother of the victim. I restrain myself from commenting on the evidentiary value of the same. However, having considered the fact that the State has submitted that the Investigating Officer's evidence is to

commence on 08-12-2023 and the nature of the materials which have surfaced, I am not inclined to release the petitioner on bail at this stage of finality of the case and the prayer for bail of the petitioner is rejected.

Mr. Das Gupta, learned advocate for the petitioner submits that there is possibility of the present petitioner adducing defence witness.

In view of the aforesaid, the application for bail being CRM(SB) 217 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.

[Tirthankar Ghosh, J]