

10.06.2024
Item no. 26.
Court No.28.
AB
(Rejected)

CRM (DB) 1535 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure in connection with Chitpore Police Station Case No.48 of 2024 Dated 20.3.2024 under Sections 417/376 354C/509/506/406/120B/313/377 of the Indian Penal Code read with Sections 4/6 of the POCSO Act and Section 66E of the IT Act

And

In the matter of : Debarghya Mitra

.....Petitioner.

Mr. Ali Ahsan Alamgir,
Mr. Syed Ujjaman,
Ms. Soma Mal,
Ms. Rabiya Khatunfor the Petitioner.

Mr. Arindam Sen,
Ms. Rajashree Tahfor the State.

Mr. Apalak Basu,
Mr. Nazir Ahmed,
Mr. Soumyajit Chakraborty
.....for the Defacto Complainant.

Affidavit of service filed in Court today, be kept on record.

The charge is of rape under Section 376 IPC as also under Sections 4/6 of the Protection of Children from Sexual Offences Act, 2012 read with Section 66E of the Information Technology Act, 2000. Subsequently, Sections 313 and 377 of IPC were added.

The petitioner says that he has been falsely implicated. There was an amorous relationship between the petitioner and

the victim girl. However, the relationship having become assiduous, a false complaint has been lodged.

Learned Advocate for the State has produced the case diary and has drawn our attention to the material therein including statements of witnesses. We have seen the statement of the victim lady recorded under Section 164 Cr.P.C. wherein she clearly states that in the year 2018 when she was a minor, the petitioner forcibly had sexual relationship with her.

On an overall assessment of the material on record and the gravity of the alleged offence as also the possible extent of complicity of the petitioner in the alleged offence, we are not inclined to allow the present application for bail, at this stage.

The prayer for bail is, accordingly, rejected.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)