

12.06.2024
Item no. 19.
Court No.28.
AB
(Rejected)

CRM (DB) 1692 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure in connection with Nandakumar Police Station Case No.26 of 2024 Dated 11.1.2024 under Sections 376/354C of the Indian Penal Code read with Section 67/67A of the IT Act

And

In the matter of : Bijoy Das @ Bijay Das

.....Petitioner.

Mr. Navanil De,
Ms. Monami Mukherjeefor the Petitioner.

Mr. Sanjay Bardhan,
Mr. Aritra Bhattacharya.....for the State.

The charge against the petitioner is under Sections 376/354C IPC read with Sections 67/67A of the Information Technology (Amendment) Act, 2008.

The prosecution case is that the victim lady became friends with the petitioner after coming in contact with him on face book. The petitioner used to reside close to the residence of the victim. The friendship developed. One day, taking advantage of the absence of the victim's husband, the petitioner went to her and offered her some Prasad. After consuming the Prasad she felt dizzy. She was then ravished by the petitioner against her wishes. The petitioner took indecent pictures of the victim lady and threatened to circulate the same in the social media.

The petitioner denies all such allegations. He says that he has been falsely framed in the matter. He is in custody for 144 days. Charge has not been framed as yet. He should be released on bail on whatever conditions this Court may decide.

We have considered the material in the case diary including the statement of the victim lady recorded under Section 164 Cr.P.C. We find that prima facie, there is enough incriminating evidence against the petitioner. Hence, we are not inclined to allow this application for bail, at this stage.

The prayer for bail is, accordingly, rejected.

CRM (DB) 1692 of 2024 is dismissed.

However, we request the learned Trial Court to address the issue of framing of charges immediately and expedite the trial so that the same can reach its logical conclusion at the earliest.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)