

12.
27-06-2024
(ct. no.28)
debajyoti
(rejected)

CRM (DB) 1687 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with Jorabagan Police Station Case No.93 of 2023 dated 04-10-2023 under Sections 366A/366/368/376/447/452/341/323/379/506/120B and 34 of the Indian Penal Code, and under Sections 4 and 6 of the Protection of Children against Sexual Offences Act.

- A n d -

In the matter of : Jit Singh

.... Petitioner.

Mr. Pratip Mukherjee,
Mr. Samrat Choudhury,
Mr. Arijit Ghosh

... For the Petitioner.

Ms. Zareen N. Khan,
Ms. Sima Biswas

... For the State.

Mr. Debasish Kar,
Mr. Arka Tilak Bhadra

... For the defacto-complainant.

The petitioner says that the victim girl was a major at the time of the alleged incident. This is disputed by learned counsel for the victim girl.

There are two documents on record. A birth certificate issued by Kolkata Municipal Corporation saying that the year of birth is 2004. But the Madhyamik Certificate issued by the West Bengal Board of Secondary Education says that the date of birth of the victim girl is November 02, 2006. We are not going to try and resolve this dispute.

We have read the statement of the victim girl recorded under Section 164 of the Code of Criminal Procedure. The same *prima facie* incriminates the petitioner. Even if the petitioner was a major as on the date of the alleged incident, the charge under Section 376 and other sections of the Indian Penal Code would remain.

The petitioner says that he is in custody for 140 days. Charge sheet has been filed. He should be released on bail.

In view of the *prima facie* incriminating material against the petitioner, we are not inclined to release him on bail, at this stage.

The application for bail being CRM (DB) 1687 of 2024 is, thus, **dismissed**.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

Criminal Section is directed to supply certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)