

33.
22-07-2024
(ct. no.28)
debajyoti
(rejected)

CRM (DB) 2179 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure/Section 483 of the Bharatiya Nagarik Suraksha Sanhita in connection with English Bazar Police Station Case No.82 of 2024 dated 15-01-2024 under Section 6 of the Protection of Children from Sexual Offences Act.

- A n d -

In the matter of : Dilip Chowdhury & Anr.

.... Petitioners.

Mr. Mazahar Hossain Chowdhury

... For the Petitioners.

Mr. Iqbal Kabir,

Mr. Kaustav Banerjee

... For the State.

Dictated by Partha Sarathi Sen, J.

Affidavit-of-Service filed in Court today be taken on record.

It is submitted on behalf of the present accused petitioners that they have been falsely implicated in the instant case. It is further submitted that the present petitioners are languishing in jail for the last 185 days.

While opposing the prayer for bail, learned advocate for the State draws our attention to two statements of the victim recorded under Sections 161 and 164 of the Code of Criminal Procedure and the medical examination report of the victim as available in the Case Diary. It is reported that charge sheet has been filed upon completion of investigation and charge has already been framed.

Admittedly, we find some discrepancy in the statements of the victim as mentioned above. However, considering the fact that the allegation as made out in the FIR is grave and also considering the fact that the victim of

the alleged incident has not yet been examined, we are not inclined to exercise our discretion under Section 439 of the Code of Criminal Procedure in favour of the present petitioners, at this stage.

The application for bail being CRM (DB) 2179 of 2024 is, thus, **dismissed**.

It is submitted that July 26, 2024 has been fixed for examination of the victim girl. Learned trial Court is hereby directed to conclude the examination in chief and the cross-examination of the victim girl positively on the same day, that is, the next date fixed.

Liberty is given to the parties to communicate this order to the learned trial Court.

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.

(Partha Sarathi Sen, J.) (Arijit Banerjee, J.)