

30.09.2024
Serial no. 7
CT.-35
[G.S.D]

CRA (SB) 142 of 2024
With
CRAN 1 of 2024

In Re: An Application for Bail under Section 430(1) of Bharatiya Nagarik Suraksha Sanhita, 2023 under Section 389(1) of the Code of Criminal Procedure, 1973.

AND

In the matter of : Sujoy Basu

Mr. Sujoy Sarkar	 appellant
Mr. Indranil Roy Chowdhury	
Ms. Moumita Pandit	
	... for the appellant
Ms. Amita Gaur	
Ms. Madhumita Basak	
	... for the State
Mr. Rabi Sankar Chattopadhyay	
Mr. Uday Sankar Chattopadhyay	
	... for the defacto-complainant

The appellant/petitioner has preferred the appeal in connection with the Judgment and Order of conviction and sentence being passed by the learned Special Court, POCSO in connection with Special Case No. 33 of 2021 arising out of Baruipur Women PS Case No. 29 of 2011 dated 11.03.2021.

The learned Trial Court on an assessment of whole of the evidence was pleased to convict the appellant/petitioner under Section 363 of the IPC and Section 10 of the POCSO Act. The petitioner has been sentenced, accordingly, for a period of three years and for a period of five years, respectively.

I have considered the submissions advanced on the behalf of the learned advocate for the Defacto-complainant as well as that of the State. On consideration of the Judgment so cited of the learned Trial Court, learned advocate for the private respondent as well as the State has expressed their dissatisfaction and has drawn the attention of the Court to the medical evidence.

Prima face, I find that the grievances of the State as well as the private respondent(s) are justified.

It has been submitted that the petitioner/appellant is in custody for a period of three years and seven months out of maximum period of five years of punishment so imposed by the learned trial Court.

However, having considered the prima facie materials as observed in the draft of the Judgment of the learned Trial Court, I am not inclined to release the petitioner on bail.

Accordingly, the prayer for bail in connection with appeal of the petitioner/appellant is **Rejected**.

Accordingly, CRAN 1 of 2024 is **dismissed**.

Parties to act on a server copy of this order duly collected from the official website of the Hon'ble High Court, Calcutta.

(Tirthankar Ghosh, J.)