

45.
19-12-2024
(ct. no.29)
debajyoti
(rejected)

CRM (DB) 3518 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure/483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Nakashipara Police Station Case No.573 of 2024 dated 26-06-2024 under Sections 376/306/323/34 of the Indian Penal Code and Section 6 of the Protection of Children from Sexual Offences Act.

- A n d -

In the matter of : Somnath Hazra

.... Petitioner.

Mr. Prabir Majumdar

... For the Petitioner.

Mr. Ashok Das

... For the State.

Mr. Madhu Jana,
Mr. Golam Zaky

... For the defacto complainant.

Dictated by Arijit Banerjee, J.

1. The petitioner says that he has been falsely implicated. The complaint was lodged 21 days after the alleged incident. The victim committed suicide. The petitioner has no role to play in such incident. He is in custody for about 120 days. Investigation is complete. He prays for bail.

2. Learned advocate for the State, while opposing the prayer for bail, draws our attention to the material in the Case Diary. We find *prima facie* involvement of the petitioner in the alleged offence. The prosecution case is that the petitioner built up a physical relationship with the victim girl who got pregnant. Thereafter, when the victim girl approached the petitioner's family for arranging marriage

between them, the petitioner's family refused. Coming to know of that, the victim committed suicide.

3. We further note that the petitioner's prayer for anticipatory bail was rejected by a coordinate Bench on August 13, 2024, noting that, from the statement of the victim's mother recorded under Section 161 of the Code of Criminal Procedure read with the statement of the doctor under the same provision of law regarding the Post Mortem Report, it is seen that there was a possibility of ectopic pregnancy at the time of the victim's death.

4. In view of the aforesaid, we are not inclined to allow the petitioner's prayer for bail, at this stage.

5. The application for bail is, thus, **dismissed**.

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

7. 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.)