

13.12.2024

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Ct. No. 26
S.D.
REJECTED

C.R.M.(DB) 3753 of 2024

In Re:- An application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita 2023 (corresponding to Section 439 of the Code of Criminal Procedure) in connection with S.T. Case No. 19(02) 2023 arising out of **Gobardanga** Police Station Case No. **230 of 2022** dated **18.08.2022** under Section **377** of the Indian Penal Code and Section **04** of the Protection of Children from Sexual Offences Act and Section 42 of the Juvenile Justice (Care and Protection of Children) Act.

And

In Re : **Swami Satyarupananda**

..... petitioner

Mr. Angshuman Chakraborty

...for the petitioner

Mr. Syed Nafirul Islam

.... For the State

Petitioner renews the prayer for bail.

Bail application was taken up for consideration on November 25, 2024 and November 29, 2024.

Primarily, foundational basis for the renewal of the prayer for bail is the deteriorating health condition of the petitioner. Coupled with such ground is the period of custody.

Trial is in progress. Excepting the Investigating Officer, all other prosecution witnesses were examined at the trial.

At the trial, examination of the Investigating Officer was fixed on December 10, 2024 when his evidence could not be recorded. Court is informed that the Investigating Officer arrived late to the Court on such date. Court is also informed that the next date for recording evidence is December 23, 2024.

Evidence of the prosecution witness so far examined is annexed to the application for grant of bail.

Without sounding to prejudice the petitioner at the trial, we are of the view on perusal of the evidence led by the prosecution at the trial, that granting bail to the petitioner at this stage would be improper.

We gave our anxious consideration to the plea for grant of interim bail in order to attend to the medical conditions of the petitioner.

Two reports from the jail authorities are before us with regard to health conditions of the petitioner. Reports speak of the petitioner suffering from “IWMI” with “HTN” & “T2DM” from September 18, 2024. Medical reports also speak of the petitioner being admitted at R.G. Kar Medical College and Hospital from September 18, 2024 to October 19, 2024. During his admission at such hospital, petitioner was diagnosed with “Cholelithiasis (gall bladder stone), acute Pancreatitis and Hepatomegaly and Bilateral Chink of Plural Effusion”. Both the medical reports speak of the petitioner being under medical treatment. None of the two medical reports of the jail authorities speak of a requirement of transferring the petitioner to any hospital at this stage or permitting the petitioner to move to a private medical facility for the treatment of his medical conditions.

Taking note of the two medical reports, we direct the jail authorities to ensure that appropriate and adequate medical

treatment of all health conditions that the petitioner is suffering from or may develop during custody be afforded and accorded to the petitioner.

As noted above, materials on record do not inspire grant of bail to the petitioner.

Consequently, prayer for bail of the petitioner contained in C.R.M. (DB) 3753 of 2024 is rejected.

Accordingly, **C.R.M. (DB) 3753 of 2024** is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)