

05.03.2025
Item no. 12.
Court No.29.
AB
(Rejected)

CRM (DB) 193 of 2025

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973/Under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Baguihati P.S. Case No.231 of 2024 Dated 16.04.2024 under Sections 343/366A/366B/368/370(4)/372/373/376/120B of the Indian Penal Code read with Section 5 of the Immoral Traffic (Prevention) Act and Section 4/17 of the POCSO Act and 14A of the Foreigners Act

And

In the matter of : Shefali Karmakar @ Pinaki

.....Petitioner.

Mr. Arnab Chatterjee,
Ms. Dhanasree Biswas
Ms. Poulami Bose for the Petitioner.

Mr. Debasish Roy, Id. PP
Mr. Arijit Ganguly
Mr. Koushik Kundu for the State.

Ms. Trina Mitra for the Victim
(Through Legal Aid)

Dictated by Prasenjit Biswas, J.

1. It is said by the learned Advocate appearing on behalf of the accused petitioner that the present petitioner is in custody since for a considerable period of time. Witness action has begun. The victim girl was examined and during trial the victim has failed to identify the present petitioner and she did not state anything against this petitioner also. Apart from statement of a co-accused made before the police officer there is no other admissible evidence against this petitioner. So, no purpose will be served by detaining further this accused petitioner behind the bar.

2. Learned Advocate for the state raises objection by submitting that there are sufficient incriminating materials in

the case diary which show about prima facie involvement of this accused petitioner with the alleged offence. Moreover, evidence taking process has already started and some of the witnesses named in the charge sheet have already been examined by the side of the prosecution. Offence involved in this case is serious in nature. So, it is prayed that the petitioner praying for bail filed by this accused petition may be rejected.

3. Perused the materials on record. It appears from the deposition of the victim girl that she identified this petitioner on dock. The *de facto* complainant has also deposed that when she was kept confined and she tried to go out, this petitioner used to assault her and did not allow her to go out. From the materials gathered in the case diary and from the deposition of the witnesses, the involvement of this accused petitioner cannot be ruled out at the stage. Keeping in mind the complicity of this accused petitioner in the alleged crime and after considering the seriousness of the offence we are not inclined to enlarge the accused petitioner on bail.

4. The prayer for bail is rejected.

5. Needless to say that all observations made in this order are only for the purpose of disposing of this bail application and shall not have any bearing on the trial.

6. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Prasenjit Biswas, J.)

(Arijit Banerjee, J.)