

05.03.2025

Item No.1

Ct.No.34

rc.

Rejected

C.R.M. (SB) 25 of 2025

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure corresponding to Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Kotshila Police Station Case No. 47 of 2024 dated 19.04.2024 under Section 354D of the Indian Penal Code and Section 12 of the Protection of Children from Sexual Offences Act.

And

In Re : **Tapan Karmakar**

... Petitioner.

Mr. Aritra Bhattacharya
Mr. Dibyo Mukherjee

... for the Petitioner.

Mr. Binoy Kumar Panda
Ms. Srutama Das

... for the State.

Ms. Ritu Das

...for the defacto complainant

Affidavit of service filed on behalf of the petitioner is taken on record.

Heard learned counsels for the parties.

Perused the Case Diary.

Learned counsel for the petitioner submits that the petitioner is in custody since August 21, 2024 after his prayer for anticipatory bail was rejected. Charge sheet has been submitted. He has been falsely implicated. His further detention is not required.

Learned counsel for the private opposite party raises strong objection.

Learned counsel for the State produces the Case Diary and refers to the statement of the victim under Section 164

of the Code of Criminal Procedure. He raises objection to the prayer for bail.

It appears from the record that the prayer for anticipatory bail filed by the petitioner under Section 438 of the Code of Criminal Procedure was turned down by an Hon'ble Division Bench of this Court with an observation that the victim has directly implicated the petitioner in the alleged offence despite which offence under The Information and Technology Act has not been added by the Investigating Officer. The offence is serious in nature. Charges have not been framed by the learned trial Court and victim is yet to be examined.

Upon consideration of the material on record including the statement of victim recorded under Section 164 of the Code of Criminal Procedure, this Court is not inclined to release the petitioner on bail at this stage. However, liberty is granted to the petitioner to renew his prayer after examination of the victim is complete.

Case Diary is returned.

CRM(SB) No. 25 of 2025 is disposed of.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)