

29.
30-01-2025
(ct. no.29)
debajyoti
(rejected)

CRM (DB) 4091 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 Kalna Police Station Case No.727 of 2024 dated 17-06-2024 under Sections 363/365 of the Indian Penal Code read with Section 6 of the Protection of Children from Sexual Offences Act.

- A n d -

In the matter of : XXXXXX

.... Petitioner.

Mr. Dhananjay Banerjee

... For the Petitioner.

Mrs. Rituparna De Ghose,
Mr. Debanshu Ghorai

... For the State.

Mr. Arijit Bhusan Bagchi

... For the defacto complainant.

Dictated by Apurba Sinha Ray, J.

1. Learned advocate for the petitioner submits that the petitioner and the victim girl were in a romantic relationship. He is in custody for about 202 days. Investigation is complete. As such, there is no need for further custodial detention of the present petitioner. Learned advocate has also submitted that the victim refused to undergo medical examination.

2. Learned advocates for the State and the defacto complainant oppose the petitioner's prayer for bail. Learned advocate for the State submits that the victim girl's statement has been recorded under Section 164 of the Code of Criminal

Procedure wherefrom it appears that the petitioner sexually assaulted the victim on a number of occasions. Charge has already been framed and the prosecution will conclude the trial as soon as possible.

3. We have considered the materials on record. It is not correct that the victim refused to undergo medical examination. The statement of the victim girl recorded under Section 164 of the Code of Criminal Procedure implicates the present petitioner.

4. On an overall consideration of the material on record and also the fact that there is no inordinate delay in the progress of trial, 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.)