

24.02.2025
171
Court No.26
S.D.
Rejected

CRM (DB) 4182 of 2024

In re: An Application for **Bail** under Section **439** of the Code of Criminal Procedure, 1973 read with Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Bamongola** Police Station Case No. **99** of **2022** dated **10.04.2022** under Sections **313/304/120B/34** of the Indian Penal Code and Section 6/21 of the POCSO Act.

-And-

In the matter of: Goutam Singha @ Goutam Khatriya
... .. Petitioner

Mr. Amitbha Karmakar
Mr. Arup Kumkar Bhowmick
... .. For the Petitioner
Mr. Debasish Roy, Ld. P.P.,
Mr. Arijit Ganguly
Mr. Koushik Kundu
... ..For the State

Petitioner prays for bail.

Learned advocate for the petitioner submits that, the petitioner is in custody for a period in excess of 1 year and 7 months. He draws the attention of the Court to the deposition of the defacto complainant. He submits that the defacto complainant turned hostile at the trial.

Trial is in respect of a murder and penetrative sexual assault of a minor.

Materials placed on record implicate the petitioner on such aspect.

Petitioner and the wife of the defacto complainant went away to Hyderabad with the victim. The defacto complainant

lodged a police complaint on the basis of which an investigation was conducted, charge sheet filed and the trial is in progress. At the trial, defacto complainant was declared hostile.

Trial is yet to be concluded. Prosecution may establish the charges as against the petitioner before us beyond reasonable doubt by adducing other witnesses and evidence. It would be presumptuous at this stage to hold that the prosecution failed to establish the charges against the petitioner.

Considering the gravity of the offence and the involvement of the petitioner in the incident as transpiring from the materials on record, we are not inclined to grant bail to the petitioner. The prayer for bail of the petitioner is rejected.

The application being **C.R.M. (DB) 4182 of 2024** stands dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)