

24.02.2025
Item No.183
Court No. 26
CHC
Rejected

CRM (DB) 4267 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 **Amherst Street** Police Station/DD Case No. **35** dated **05.02.2024** under Sections **366A/370/370A/372/373/120B** of the Indian Penal Code and Sections 4/17 of the Protection of Children from Sexual Offences (POCSO) Act and Sections 3/ 4/5/6/7 of the Immoral Traffic (Prevention) Act.

-And-

In the matter of : **Bindeswar Thakur @ Bindaswar Thakur**
... ...**Petitioner**

Mr. Manjit Singh, Sr. Advocate
Mr. Angshuman Chakraborty, Advocate
Mr. S. S. Saha, Advocate
... ... For the Petitioner

Ms. Sreyashee Biswas, Advocate
Ms. Suruchi Saha, Advocate
... ...For the State

Ms. Jhuma Sen, Advocate
Ms. Arpita De, Advocate
Ms. Swastika Chatterjee, Advocate
... ...for the minor victim

1. Petitioner prays for bail.
2. Learned advocate appearing for the petitioner submits that, the petitioner is in custody in excess of one year. He submits that, the charges stand framed. He draws the attention of the Court to the statements of two victims recorded under Section 164 of the Criminal Procedure Code. He submits that, such

statements do not implicate the petitioner. There are no other materials according to him implicating the petitioner.

3. Learned advocate appearing for the State draws the attention of the Court to the materials in the Case Diary including the two statements of the two victims spoken of by the petitioner. She submits that six persons were recovered on a raid out of whom 4 were adults and two minors. She also draws the attention of the Court to the medical report which speaks of penetrative sexual assault on the minors.
4. Materials on record implicate the petitioner.
5. Two minors recorded statements under Section 164 of the Criminal Procedure Code implicating the petitioner.
6. Recording of evidence is yet to commence. Enlarging the petitioner at this stage may militate against a free and fair trial.
7. Consequently, we are not inclined to grant bail to the petitioner.
8. Prayer for bail of the petitioner is **rejected**.
9. CRM(DB) 4267 of 2024 is **dismissed**.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)