

19.06.2019.
Item No.8
(Rejected)
ab

CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI

C.R.M. 284 of 2019

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed on 22.04.2019 in connection with Matigara P.S. Case No. 495 of 2018 dated 14.09.2017 for committing offence punishable under Sections 363/365 of the Indian Penal Code with adding Section 6 of the Protection of Children from Sexual Offences Act;

And

In the matter of : Alif Hossain. ... petitioner.

Ms. Suman Sehanabis (Mandal). ...For the petitioner.

Mr. Abhijit Sarkar,
Mr. Aniruddha Biswas. ...For the State.

The petitioner is languishing in jail for nearly nine months having arrested in connection with Matigara P.S. Case No. 495 of 2018 dated 14.09.2017 for committing offence punishable under Sections 363/365 of the Indian Penal Code with adding Section 6 of the Protection of Children from Sexual Offences Act.

According to the petitioner, the victim girl has a love affair with him and consciously left the house with an intent to marry. The team of the police recovered both of them from the common place and the First Information Report is lodged by the father of the victim girl on untrue and false allegation. It is further submitted that the victim girl has been pressurized and tutored to make the statement, which has no semblance of truth in it.

It is evident from the record that the bail application filed by the petitioner being CRM 702 of 2019 was rejected on 22nd February 2019. This is second bail application taken out by the petitioner.

We have perused the statement of the victim recorded under Section 164 of the Code of Criminal Procedure and the materials available from the case diary, we do not feel that the petitioner should be enlarged on bail at this stage even after the charge-sheet is submitted.

The prayer for anticipatory bail of the petitioner is, thus, rejected.

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

(Hiranmay Bhattacharyya, J.)

(Harish Tandon, J.)