

16.09.2020

Item no. 16

Ct.23

CHC

Rejected

C.R.M. No.6657 of 2020

(Via Video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure in connection with Bagnan Police Station Case No. 123 of 2020 dated 04.04.2020 under Sections 376(2)(n) of the Indian Penal Code and under Section 4 and 6 of POCSO Act.

And

In the matter of:-

Rakesh Mallick @ Kashem Mallick

... Petitioner

Md. Kutubuddin

.. for the petitioner

Mr. Sudip Ghosh

Mr. Bitasok Banerjee

..for the State

The petitioner undertakes to affirm and stamp the petition/application as per Rules within one month of resumption of normal functioning of the Court. Subject to such undertaking, the application is taken up for hearing through video conference.

Learned advocate for the petitioner submits that petitioner is in custody for 162 days and charge-sheet has already been submitted. He submits that the petitioner may be enlarged on bail as no further interrogation is necessary.

Memorandum of evidence and other materials placed before us reveals that the victim (17 year) has already conceived and is holding a foetus of 21 week. From 164 statement which has been placed before us it reveals that victim got acquainted with the accused person but she never knew that the accused was married and a father of two children. The other materials which are available on record is not at all convincing to allow the prayer for grant of bail.

Therefore, prayer for bail of the petitioner is rejected at this stage.

CRM 6657 of 2020 is disposed of.

(Kausik Chanda, J.)

(Sahidullah Munshi, J.)