

14.01.2021
Court No.28
rpan / 21

C.R.M. 254 of 2021
(Via Video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure in connection with Tehatta P.S. Case No.384 of 2020 dated 15.09.2020 under Section 376(2)(n) of the Indian Penal Code and Sections 4/6 of the Protection of Children from Sexual Offences Act, 2012.

And

In Re : Rafikuddin Molla @ Rafikul Molla
...Petitioner.

Mr. Koustav Bagchi,
Mr. Amanul Islam,
Mr. Sourav Mukherjee
....for the petitioner.

Mr. Swapan Banerjee,
Ms. Purnima Ghosh
....for the State.

The learned advocate appearing for the petitioner submits that the petitioner is in custody for about 132 days and charge sheet has already been submitted. Additionally, the learned advocate said that as the investigation is over, the petitioner may be released on bail and the petitioner undertakes to comply with all the conditions imposed by this Court.

The learned advocate appearing for the State produces the case diary. He draws the attention of this Court to the statement of the victim as well as the medical documents. The learned advocate further submits that the victim is carrying for about five months.

In view of the submissions so advanced by the rival parties and on perusal of the case diary, more particularly, the

statement of the victim as also the medical reports, we are not inclined to release the petitioner on bail at this stage. Accordingly, the prayer for bail of the petitioner is rejected.

However, the learned Special Court is directed to expedite the progress of the case in compliance with sub-section (1) of Section 35 of the POCSO Act. The petitioner is granted liberty to renew his prayer for bail after evidence of the victim is complete.

With the aforesaid observation, CRM No.254 of 2021 is disposed of.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)