

15.01.2021  
Item no.24  
Court No.28  
Avijit Mitra

C.R.M. 309 of 2021 (via video conferencing)

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure;

And

**In Re : Mainuddin Sha**

.... petitioner

Mr. Amal Krishna Samanta

....for the petitioner

Mr. Binay Panda,

Mr. Subham Bhakat

..... for the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Mahishadal Police Station Case No.171 of 2020 dated 26.09.2020 under Sections 376D/376(2)(n) of the Indian Penal Code.

Learned advocate appearing for the petitioner submits that the victim girl is presently more than 18 years old. The petitioner is in custody for more than 111 days. Upon completion of investigation, charge sheet has been filed and as such, further detention of the petitioner is not necessary.

Learned advocate appearing for the State opposes the petitioner's prayer for bail and he informs that the victim girl had already given birth to a male child.

Having heard the learned advocates and considering the materials in the case diary, the statements recorded under Section 164 Code of Criminal Procedure and the extent of complicity of the petitioner in the alleged offence, we are not inclined to grant bail at this stage.

The application for bail being C.R.M. No.309 of 2021 is dismissed.

**(Tirthankar Ghosh, J.)**

**(Tapabrata Chakraborty, J.)**