

10.03.2021
Item No.02
Ct.No.28
Subha
rejected

C.R.M. 454 of 2021
(Via Video Conference)

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure.

-And-

In the matter of : **Baitul Sk @ Baitulla Sk @ Baidul Sk** ...
Petitioner.

Mr. Sarwar Jahan
Mr. Anisur Rahaman

... For the Petitioner.

Mr. Swapan Banerjee
Mr. Suman De

... For the State.

The present application under Section 439 of the code of Criminal Procedure has been preferred in connection with C-SPL 50 of 2020 arising out of Berhampur P. S. Case No. 620 of 2020 dated 29-06-2020 under Sections 376/370/372/373/34 of the Indian Penal Code and Sections 3/4/5/7 of IPTA, 1956 and Sections 4/8/12/17 of the POCSO Act, 2012 and Section 75 of the J.J Act.

Mr. Jahan, learned advocate appearing for the petitioner submits that the petitioner has been falsely

implicated. The allegations levelled against the petitioner are in the abstract and the materials would not disclose the involvement of the petitioner in the alleged offence. Upon completion of investigation, charge sheet has already been submitted and as such further detention of the petitioner, who is in custody since in 29th June, 2020, is not warranted.

He further submits that a co-accused person namely, Emajuddin Sk has already been enlarged on bail by an order dated 9th December, 2020 passed by a co-ordinate Bench of this Court in CRM 9565 of 2020.

Drawing our attention to the statements of the victim girls, as recorded under Section 164 of the Code and the other materials in the case diary, Mr. Nandy, learned advocate appearing on behalf of the State opposes the petitioner's prayer and submits that the petitioner is the assistant manager of the concerned hotel and is directly involved in the alleged offences. He also informs this Court that further investigation is in progress.

We have perused the materials in the case diary. *Prima facie*, the petitioner's culpability is explicit from the materials on record. The offence alleged is despicable in nature and the victims are vulnerable witnesses. Considering the gravity of the offence and the extent of complicity of the petitioner in the alleged offence, we are not inclined to exercise discretion in favour of the petitioner. As such, the petitioner's prayer for bail is rejected at this stage.

The application for bail being CRM 454 of 2021 is,
accordingly, dismissed.

The case diary is handed over to Mr. Nandy.

All parties shall act on the server copies of this order
duly downloaded from the official *website* of this Court.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)