

24.02.2021
Item No.12
Ct.No.28
Subha
rejected

C.R.M. 463 of 2021
(Via Video Conference)

Mustak Ahmed Mallik @ Bapan
-vs-
The State of West Bengal

In Re: An application for bail under Section 439 Cr.P.C in connection with Uluberia P. S. Case No. 63 of 2020 dated February 13, 2020 under Section 376 AB/506 of the Indian Penal Code and Section 4 of the POCSO Act, 2012.

Mr. Rabi Sankar Chattopadhyay
Mr. Sayan Chattopadhyay
Ms. Payel Shome

... For the Petitioner.

Ms. Zareen Khan
Ms. Sreeparna Das

... For the State.

Mr. Chattopadhyay, learned advocate appearing for the petitioner submits that the petitioner is in custody since 3rd August, 2020 and there are no corroborating medical evidence suggesting the involvement of the petitioner.

Learned advocate appearing for the petitioner further submits that considering the period of detention of the present petitioner, he may be released on bail on any stringent condition.

Mrs. Khan, learned advocate appearing for the State draws the attention of this court to the statement of the victim recorded under Section 164 of the Code of Criminal Procedure.

We have perused the materials available in the case diary including the statement of the victim which makes it transparent that the medical evidence of aggravating nature is not required in view of the nature of the offence so committed. As it has already been submitted that the next date is fixed for framing of charge, we are not inclined to grant bail to the present petitioner at this stage.

Accordingly, the prayer for bail of the present petitioner is rejected.

However, the petitioner will be entitled to renew his prayer for bail after the evidence of the victim is over.

With the aforesaid observations, the application for bail being CRM 463 of 2021, is, accordingly, disposed of.

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.)