

15.03.2021

Item No.9

Ct.No.28

dc.

Rejected

C.R.M. 466 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 : **Alamin Mallick**

... Petitioner.

Mr. Debasis Kar,
Mr. Subhojit Chowdhury

... For the Petitioner.

Mr. P. K. Datta,
Mr. Santanu Deb Roy

... For the State.

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Duttapukur P.S. Case No. 740 of 2019 dated 02.10.2019 under Sections 450/376 of the Indian Penal Code and Section 6 of POCSO Act.

The learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. He is suffering from various ailments. Upon completion of investigation, charge-sheet has also been submitted and the evidence of the victim girl is also over and in view thereof, further detention of the petitioner, who is in custody for about one year and four months, is not warranted.

The learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the evidence of the victim girl.

We have perused the materials in the case diary including the evidence of the victim girl wherefrom, *prima facie*, it appears that the petitioner is directly involved in the despicable offence. Furthermore, considering the stage of the proceeding, we are not inclined to exercise any discretion in favour of the petitioner. As such, the petitioner's prayer for bail is **rejected**.

The application for bail, being CRM 466 of 2021, is, thus, dismissed.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)