

15.03.21 In re: An application for bail under Section 439 of the Code of Criminal
(S.R.) Procedure filed in connection with **Eco Park** Police Station Case
Sl.23 **No.138 of 2020** dated **04.08.2020** under Sections **376/506** of the
Ct.28 Indian Penal Code, 1860 and Section **6** of the POCSO Act, 2012;

And

In re: Md. Zakir @ Md. Jakir

... petitioner.

Mr. Souvik Dutta

Mr. Amitabha Majumdar

... for the petitioner.

Ms. Zareen N. Khan

Ms. Mayukhi Mitra

...for the State.

The learned advocate appearing for the petitioner submits that the allegations levelled against the petitioner are unfounded and he has been falsely implicated. The *de facto* complainant herself affirmed an affidavit stating that she does not want to proceed with the case since the same was filed on the basis of a misunderstanding. Upon completion of investigation charge sheet has also been filed and as such, further detention of the petitioner, who is in custody for 224 (two hundred twenty four) days, is not warranted in the facts and circumstances of the case.

The learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to several documents in the case diary. She further submits that the next dates have been fixed before the learned trial Court on 31st March 2021 and 12th April, 2021.

Having heard the learned advocates and considering the materials in the case diary, the statements of the victim minor girl and the extent of complicity of the petitioner in the alleged offence, we are not inclined to exercise any discretion in his favour. As such, petitioner's prayer for bail is refused at this stage.

Accordingly, the application for bail being CRM No.779 of 2021 is dismissed.

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.)