

22.03.2021

Item No.69

Ct.No.28

Subha

rejected

C.R.M. 963 of 2021

(Via Video Conference)

In Re: An application for bail under Section 439 Cr.P.C in connection with POCSO Case No. 06/2020 arising out of Kotulpur P. S. Case No. 81 of 2017 dated 18-04-2017 under Sections 363/365/366/120/376 of the Indian Penal Code and Section 4/8 of the POCSO Act.

In the matter of : Moinuddin Mondal @ Katu ... Petitioner.

Mr. Debarshi Brahma

... For the Petitioner.

Mr. Md. Anwar Hossain

Ms. Sreyashee Biswas

...for the State.

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with POCSO Case No. 06/2020 arising out of Kotulpur P. S. Case No. 81 of 2017 dated 18-04-2017 under Sections 363/365/366/120/376 of the Indian Penal Code and Section 4/8 of the POCSO Act.

The petitioner claims himself innocent and the victim of the circumstances. He is arrested on the complaint

having lodged by the father of the victim minor girl. He is in custody for more than 1 year and the charge-sheet has already been submitted and, therefore, no further investigation is required.

On the other hand, the learned advocate appearing for the State opposes the prayer for bail of the petitioner and relies upon the medical report as well as the statement of the victim minor girl recorded under Section 164 of the Code of Criminal Procedure.

After perusing the said statement of the victim girl as well as the medical report, we do not think that this is a fit case where the petitioner should be enlarged on bail and as such, the prayer for bail of the petitioner is rejected.

With the aforesaid observations, the application for bail being CRM 963 of 2021 is, accordingly, disposed of.

(Harish Tandon, J.)

(Tirthankar Ghosh, J.)