

22.03.2021

Item No.76

Ct.No.28

Subha

rejected

C.R.M. 976 of 2021

(Via Video Conference)

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

In the matter of : **Nasir Kazi** ... Petitioner.

Mr. Suman Chakraborty
... For the Petitioner.

Mr. Tanmoy Kumar Ghosh
Mr. Arindam Sen
... For the State.

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Dhaniakhali Police Station Case No. 106 of 2020 dated 07-10-2020 under Sections 376(1) of the Indian Penal Code and Sections 4/6 of the Protection of Children from Sexual Offences Act.

The learned advocate appearing for the petitioner submits that the present petitioner is in custody for about 166 days and the investigation of the case has already been concluded.

Additionally, learned advocate appearing for the petitioner submits that the petitioner may be released on any stringent condition.

Mr. Ghosh, learned advocate appearing for the State opposes the prayer for bail of the petitioner and draws the attention of this court to the statement of the victim recorded under Section 161 of the Code of Criminal Procedure.

We have perused the materials on record available in the case diary including the statement of the witnesses as well as the statement of the victim girl recorded under Section 164 of the Code of Criminal Procedure.

Having regard to the incriminating materials appearing against the present petitioner, we are not inclined to release the present petitioner on bail at this stage.

With the aforesaid observations, the application for bail being CRM 976 of 2021 is, accordingly, disposed of.

(Harish Tandon, J.)

(Tirthankar Ghosh, J.)