

21-04-2021

Item no.133
Court No. 28
Subha
Rejected

IN THE HIGH COURT AT CALCUTTA
Criminal Miscellaneous Jurisdiction

C.R.M 1684 of 2021

Md. Soyeb @ Soheb

-vs-

The State of West Bengal
(Via video-conference)

In Re: An application for bail under Section 439 CrPC in connection with Bhadreswar Police Station Case No. 481 of 2019 dated 31-12-2019 under Sections 376(2)(f) i/506 of the Indian Penal Code read with Section 4 of the POCSO Act.

Mr. Arunava Ganguly

...for the petitioner.

Mr. Prasun Kumar Datta, APP
Mr. Nirupam Dhali

.....for the State.

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Bhadreswar Police Station Case No. 481 of 2019 dated 31-12-2019 under Sections 376(2)(f) i/506 of the Indian Penal Code read with Section 4 of the POCSO Act.

Mr. Ganguly, learned advocate appearing for the petitioner submits that the petitioner is innocent. The allegations levelled against him are unfounded. Upon completion of investigation, charge has also been filed and as such further detention of the petitioner, who is in custody for more than a year, is not warranted in the facts

and circumstances of the present case.

Mr. Datta, learned advocate appearing for the State opposes the prayer for bail and draws the attention of this court to several documents available in the case diary.

Having heard the learned advocates and considering the materials on record, the gravity of the offence, the statement of the victim girl as recorded under Section 164 of the Code and the extent of complicity of the petitioner in the alleged offence, we are not inclined to grant bail to the petitioner and as such, prayer for bail of the present petitioner is rejected at this stage.

The application for bail, being CRM 1684 of 2021 is, accordingly, dismissed.

[Tirthankar Ghosh, J]

[Tapabrata Chakraborty, J]