

07.06.2021
SL No.6
Court No. 30
(sd)

CRM 2340 of 2021

(Through Video Conference)

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

And

In the matter of: **Moslem Molla**

....Petitioner.

Ms. Payel Shome

...for the Petitioner.

Ms. Faria Hossain

Mr. A. Mitra

..for the State.

The petitioner is seeking relief on bail in connection with Special Case (POCSO) No. 43/2020 in connection with Shyampur P.S. Case No. 224/2020 dated 24.08.2020 under sections 376(3)/376(2)(f)/376(2)(n) IPC and Section 6 of the POCSO Act 2021, pending before the learned Additional Sessions Judge (Special Court), 1st Court, Uluberia, Howrah.

The learned counsel for the petitioner submits that the petitioner is in custody for the last 310 days in connection with the said case. He further submits that there is no requirement for custodial interrogation as the charge sheet has already been submitted.

Learned counsel appearing for the State invites our attention to the statement of the victim girl aged about 12 years which reflects that she gave birth to a girl child as per the certificate of birth placed in the case diary. It is pointed out that ossification test was not done by the prosecution because the birth certificate of the victim girl was already collected by the

investigation officer. Now, step has been taken for DNA test report which is awaited.

Having regard to the statement of the victim girl and the gravity of the offence alleged, the prayer for bail is rejected.

Learned Special Judge shall take all endeavor to expedite the hearing of the case as expeditiously as possible.

Thus CRM 2340 of 2021 stands disposed of.

(Saugata Bhattacharyya, J.)

(Shivakant Prasad, J.)