

14.07.2021

Court No.28
Item No.23
(Rejected)

As
&
Skb

CRM 2513 of 2021
(Via Video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with POCSO Case No.18 of 2020 arising out of Mahishadal Police Station Case No. 171 of 2020, dated 26.09.2020 under Sections 376D/376(2)(n) of the Indian Penal Code and Section 4 of the POCSO Act.

And

In the matter of : **Moinuddin Sha & Anr.**
...Petitioners

Sk. Rejaul Alam.
...For the Petitioners

Mr. Saibal Bapuli, Id. A.P.P.,
Ms. Zareen N. Khan,
Ms. Mayukhi Mitra.
...For the State.

The petitioners have filed the instant application for bail under Section 439 of the Code of Criminal Procedure after being arrested in connection with POCSO Case No.18 of 2020 arising out of Mahishadal Police Station Case No. 171 of 2020, dated 26.09.2020 under Sections 376D/376(2)(n) of the Indian Penal Code and Section 4 of the POCSO Act.

According to the learned Advocate for the petitioners there was a love relationship between the victim minor girl and the petitioner no.1 and the physical relationship developed between them which led to a birth of a male child who is now six months old. There is every intention of the petitioner no.1 to marry the minor victim girl who has attained majority and, therefore, the petitioners should be released on interim bail to fulfil the promise and the commitment which he owed to the minor victim girl.

Learned Advocate for the State opposes the prayer for bail. According to her, the statement of the victim minor girl is alarming and reveal the commission of rape by both the petitioners and the alleges stand has been taken to regal out of the clutches of the

aforesaid sections.

After hearing the respective submissions and on perusal of the materials available from the record including the statement of the minor victim girl recorded under Section 164 of the Code of Criminal Procedure, we prima facie find the material in support of the contention of the learned Advocate for the State.

We, thus, do not find that it is a fit case where the petitioners should be enlarged on bail on such ground alone.

The prayer for bail of the petitioners is rejected.

The application for bail, being CRM 2513 of 2021, is thus **dismissed.**

(Harish Tandon, J)

(Subhasis Dasgupta, J.)