

07.07.2021.
Item No.135
(Rejected)
saswata/ab

(Via Video Conference)

C.R.M. 3258 of 2021

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed on 07.04.2021 in connection with Swarupnagar Police Station Case No. 70 of 2021 dated 20.01.2021 for committing offence punishable under Sections 363/365/376 of the Indian Penal Code and Section 4 of the POCSO Act.

And

In the matter of : **Abdulla Sardar**

... petitioner.

Mr. Kallol Kr. Basu
Mr. Md. Jannat Ul Firdous

...For the petitioner.

Mr. Rana Mukherjee
Ms. Sujata Das
Ms. Debjani Sahu

...For the State.

This is an application for bail in connection with Swarupnagar Police Station Case No. 70 of 2021 for committing offence punishable under Sections 363/365/376 of the Indian Penal Code and Section 4 of the POCSO Act at the behest of the petitioner.

The petitioner is in custody since last 160 days in connection with the instant case. According to the petitioner, he has been falsely implicated in connection with the instant case and not a principal accused and the victim girl was not recovered from his possession. It is further submitted that the statement of the victim minor girl recorded under Section 164 of the Code of Criminal Procedure will not corroborate the commission of an offence allegedly inflicted against the petitioner.

Learned Advocate for the State opposes the prayer for bail and relies upon the statement of the victim minor girl recorded under Section 164 of the Code of Criminal Procedure.

After perusing the statement of the victim minor girl recorded under Section 164 of the Code of Criminal Procedure and the other materials available from the case diary, we find an element of some of the charging Sections and so far as the other charging Sections are concerned that are required to be dealt with at the time of trial.

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

The application for bail being CRM 3258 of 2021 is ***rejected.***

(Harish Tandon, J.)

(Subhasis Dasgupta, J.)