

04.08.2021

Court No.28
Item No.36
(REJECTED)

Saswata

CRM 3664 of 2021
(Via Video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed on 28.04.2021 in connection with Chandipur Police Station Case No. 171 of 2020 dated 21.07.2020 under Sections 363/366/376(3) of the Indian Penal Code and Section 6 of the Protection of Children from Sexual Offences Act;

And

In the matter of : **Murselim Mir**

...Petitioner.

Mr. Pradip Paul

...For the Petitioner

Ms. S.S.Imam

Mr. S.Kundu

... For the State

The petitioner has filed the instant application for bail under Section 439 of the Code of Criminal Procedure in connection with Chandipur Police Station Case No. 171 of 2020 under Sections 363/366/376(3) of the Indian Penal Code and Section 6 of the Protection of Children from Sexual Offences Act.

Learned Advocate for the petitioner seeks bail on the ground of parity. It is submitted that the husband with whom the proposed marriage was sought to be conducted and the stepmother of the victim had already been enlarged on bail by the Trial Court and, therefore, the present petitioner, who is in custody for 250 days should also be released on bail.

The State opposes the prayer for bail and draws our attention to the statement of the victim girl recorded under Section 164 of the Code of Criminal Procedure.

After hearing the respective submissions and on perusal of the statement of the victim girl recorded under Section 164 of the Code of Criminal Procedure, the complicity of the petitioner to the alleged offence cannot be ruled out at this stage. Thus, we do not find that

the petitioner is entitled to be released on bail on the ground of parity.

The application for bail is, thus, considered and ***rejected***.

The application for bail being CRM 3664 of 2021 is dismissed.

(Harish Tandon, J)

(Bibek Chaudhuri, J.)