

17.08.2021
Item no.56.
Court No.32.
AB
(Rejected)

(Via Video Conference)

CRM No. 3838 of 2021

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure filed on 1.6.2021 in connection with Basanti Police Station Case No.417 of 2018 Dated 29.4.2018 under Sections 313/363/365/368/372/376/34 of the Indian Penal Code read with Section 4 of the POCSO Act and Section 5 of the Immoral Traffic (Prevention) Act

And

In the matter of : Bhola Molla

.....Petitioner.

Mr. Angshuman Chakrabortyfor the Petitioner.

Mr. Arijit Ganguly,
Mr. Sanjib Kr. Danfor the State.

The State submits report as called for by this Court vide order dated 9.8.2021. It appears from the report that date for examination of the victim girl is fixed on this day.

It is submitted on behalf of the petitioner that he is in custody for about three years and three months and trial has not commenced as yet. His further custodial detention is not necessary.

The State opposes the prayer for bail and refers to the material in the case diary.

It is a fact that the petitioner is in custody for about three years and three months. The allegation against the

petitioner is serious and there is material in the case diary prima facie suggesting involvement of the petitioner in the alleged offence. The prayer of the petitioner was turned down by Coordinate Benches of this Court at least on four occasions earlier. It is seen from the report submitted on behalf of the State that witness action is about to commence.

Having considered the material in the case diary and in view of prima facie involvement of the petitioner in the alleged offence and also as trial has already commenced, we are not inclined to grant bail to the petitioner, at this stage.

The prayer for bail stands rejected.

C.R.M. No.3838 of 2021 is, accordingly, dismissed.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Suvra Ghosh, J.)

(Arijit Banerjee, J.)