

CRM 4193 of 2021
(Via Video Conference)

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection Special Case No.124 of 2020 arising out of Maipith Coastal Police Station Case No.95 of 2020 dated 13.10.2020 under Sections 363/365/376(3) of the Indian Penal Code and Section 4 of the POCSO Act, 2012.

A n d

In the matter of : Monirul Laskar

.... Petitioner.

Mr. Angshuman Chakraborty,
Mr. S. S. Saha

... For the petitioner.

Mr. Binay Panda,
Ms. Puspita Saha,
Mr. Subham Bhakat

... For the State.

The petitioner is one of three accused persons. The charge is under Sections 363/365/376(3) of the Indian Penal Code and Section 4 of the POCSO Act, 2012.

The petitioner says that he is in custody for about one year. He has no role to play in the commission of the alleged offence. It was only that the victim girl travelled in his van rickshaw.

We have seen the material in the case diary. The victim girl, about 13 years old, specifically stated that one lady by the name of Moslema took her in the petitioner's van rickshaw to a house where another person by name of Moniruddin ravished her. The petitioner is the brother-in-law (husband's brother) of Moslema.

From the material on record, the complicity of petitioner in the alleged offence cannot be ruled out. Further we notice

that the petitioner's prayer for bail was rejected by a co-ordinate Bench by an order dated February 24, 2021 passed in CRM 588 of 2021. There is no significant change of circumstances since such rejection.

On an overall assessment of the facts and circumstances of the case and the possible extent of complicity of the petitioner in the alleged offence, we are not inclined to entertain this application for bail at this stage.

Accordingly, the application for bail being CRM 4193 of 2021 is dismissed.

We are told that November 10, 2021 has been fixed as the date for consideration of the charges. Since the petitioner has been in custody for about three years, we hope and expect that due action will be taken by the learned trial court on the next date.

(Bivas Pattanayak, J.)

(Arijit Banerjee, J.)