

17.09.2021
Sl. No.63
BM

(Through Video Conference)

CRM 5325 of 2021

In re : An Application for bail under Section **439** of the Code of Criminal Procedure filed on **09.08.2021** in connection with **Malda** Police Station Case No. **425** of **2020** dated **11.08.2020** under Sections **6** of the Protection of Children from Sexual Offences Act, 2012.

-and-

In the matter of : **Samrul Sk @ Sabirul Sk**

...Petitioner

Mr. Musharraf alam Sk., ... For the Petitioner

Mr. Sukanya Bhattacharya,
Mr. Md. Kutubuddin ... For the State

Petitioner seeks bail.

Learned advocate appearing for the petitioner submits that the Police are yet to receive DNA test report to establish paternity of the child.

Learned advocate appearing for the State draws attention of the court to the statement recorded under Section 164 of the Code of Criminal Procedure of the victim girl. He submits that Police are awaiting the DNA test report.

Considering the facts and circumstances and considering the statement recorded under Section 164 of the Code of Criminal Procedure and considering the fact that DNA test report is yet to be received, we are unable to grant bail to the petitioner at this stage.

The application for bail is, accordingly, CRM 5325 of 2021 is **dismissed**.

(Debangsu Basak, J.)

(Ananda Kumar Mukherjee, J.)