

08.11.2021
Item no.04
Court No.32.
S.De
(rejected)

(Via Video Conference)

CRM No. 5588 of 2021

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure filed on 19.08.2021 in connection with Domkal Police Station Case No. 750 of 2020 dated 24.12.2020 under Sections 363/365 of the Indian Penal Code and Section 4 of the POCSO Act.

And

In the matter of : Jalaluddin Mia and Another.

.....Petitioners.

Mr. Kallol Kumar Basu, Advocate,
Md. Jannat-Ul-Firdous, Advocate,
Ms. Tithi Mazumdar, Advocate,

.....for the Petitioners.

Mr. S.G. Mukherjee, Ld. P.P.,
Ms. Faria Hossain, Advocate,
Mr. Aniket Mitra, Advocate,

.....for the State.

Learned advocate for the petitioners says that the petitioner no.2 has already been taken into custody and as such the application for anticipatory bail has become infructuous in so far as the petitioner no.2 is concerned. This application is dismissed in so far as the petitioner number no.2 namely Moniruddin Mia @ Monirul Islam Mia is concerned.

The charge against the petitioners is of kidnapping for ransom and also under Section 4 of the POCSO Act. The

petitioner no.1 says that he is a marriage registrar who refused to register the marriage of the victim girl with her husband. He has been falsely implicated. He has no role to play in the alleged offence.

We have seen the material in the case diary including the statement of the victim girl, aged about fourteen years, recorded under Section 164 of the Code of Criminal Procedure. She specifically names the present petitioner as being involved in the alleged offence. She was kept confined for fourteen days and then she managed to escape.

On an overall assessment of the material in the case diary and the nature and gravity of the alleged offence, we are not inclined to allow the prayer for anticipatory bail.

Accordingly, CRM 5588 of 2021 is dismissed.

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

(Bivas Pattanayak, J.)

(Arijit Banerjee, J.)