

CRM 7516 of 2021

In Re:- An application for bail under section 439 of the Code of Criminal Procedure ;

And

In Re : **Sakir Molla**

- Petitioner.

Mr. Mrityunjoy Chatterjee,
Mr. Sreejeet Basu Roy
... for the Petitioner.

Mr. Saswata Gopal Mukherjee, Ld. P.P.,
Mr. Partha Pratim Das,
Ms. Manasi Roy
... for the State.

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Canning Women Police Station Case No. 18 of 2020 dated 14.02.2020 under Sections 376(2)(n)/ 370/ 372/ 373/ 323/ 328/ 120B/ 506 of the Indian Penal Code read with Sections 6/17 of the Protection of Children from Sexual Offences Act, 2012 and Sections 3/4/5/6/7/9 of the Immoral Traffic (Prevention) Act.

Mr. Chatterjee, learned advocate appearing for the petitioner submits that the petitioner had been falsely implicated. The allegation is omnibus in nature and two co-accused persons have already been enlarged on bail. Upon completion of investigation, charge sheet has also been filed and as such, further detention of the petitioner, who is in custody for about 640 days, is not necessary.

Mr. Das, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statements of the victim girl as recorded under Sections 161 and 164 of the

Code of Criminal Procedure. He further submits that the petitioner's prayer for bail was earlier rejected by a coordinate Bench of this Court on 6th October, 2020 but such fact has not been disclosed in the present application.

Having heard the learned advocates appearing for the respective parties and considering the gravity of the offence, the nature of allegations, the statements of the victim girl as recorded under Section 161 and 164 of the Code of Criminal Procedure and the extent of complicity of the petitioner in the alleged offence, we are not inclined to exercise any discretion in his favour and accordingly, prayer for bail is rejected at this stage.

The application for bail, being CRM No.7516 of 2021 is dismissed.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)