

CRM 7609 of 2021
(via video conference)

Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

In the matter of : **Abdul Ohid Molla @ Ohid Molla**
..... petitioner

Mr. Satadru Lahiri
Mr. Safdar Azam

.....For the petitioner

Mr. Narayan Prasad Agarwala
Mr. Chittaranjan Ghosh

.....For the State

Apprehending arrest in connection with Haroa Police Station Case No. 180/16 dated 01.06.2016 under Sections 323/417/354B/506 of the Indian Penal Code and under Section 4 of the Protection of Children from Sexual Offences Act, the present application has been preferred.

Mr. Lahiri, learned advocate appearing for the petitioner submits that there was a love relationship between the petitioner and the victim who were aged about 21 years and 17 years respectively on the date of the alleged incident. The allegations are in the abstract and in the said conspectus, custodial interrogation is not warranted more so when upon completion of investigation, charge sheet has been submitted.

Mr. Agarwala, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention the statement of the victim girl as recorded under Section 164 of the Code of Criminal Procedure and the medical report.

He further submits that the case is of the year 2016 and the petitioner is still absconding. Warrant of arrest has already been issued.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

Prima facie, we find strong incriminating materials against the petitioner. Considering the seriousness of the offence, the conduct of the petitioner and the extent of his complicity in the alleged offence, we are not inclined to exercise any discretion in his favour. Accordingly, the petitioner's prayer for anticipatory bail, is refused.

The application CRM 7609 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.)