

09.03.2021

Item No.11

Ct.No.28

dc.

Rejected

C.R.M. 10804 of 2020

(Via Video Conference)

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure.

And

In the matter of : **Sabir Khan**

... Petitioner.

Mr. Kallol Mondal,
Mr. Krishan Ray,
Ms. Amrita Chel,
Mr. Souvik Das,
Mr. Anindya Ghosh

... For the Petitioner.

Mr. Bidyut Kumar Roy,
Ms. Rita Datta

... For the State.

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Amta P.S. Case No. 276 of 2020 dated 21.09.2020 under Section 376(AB) of the Indian Penal Code and Sections 4/6 of the Protection of Children from Sexual Offences Act.

On 23rd February, 2021 when the matter was last taken up for hearing, Mr. Mondal, learned advocate appearing for the petitioner submitted that the petitioner herein is the cousin brother of the first wife of the husband of the *de facto* complainant, namely, Rina Khatoon. Sk. Abdul, the husband of the *de facto* complainant got separated from Rina Khatoon on and from 18th June, 2018

by virtue of an unregistered declaration for dissolution of marriage giving an undertaking that Rs.30,000/- will be paid to Rina Khatoon. The said amount was, however, not paid to Rina Khatoon and when the brother of Rina Khatoon, being the petitioner herein, requested Sk. Abdul to pay the said amount to the sister, the petitioner was falsely implicated. In support of such contention, Mr. Mondal submitted a supplementary affidavit.

A copy of the said supplementary affidavit was handed over to Mr. Roy, learned advocate appearing for the State and the Officer-in-Charge of Amta Police Station was directed to file a report as regards the veracity of the statements made in the supplementary affidavit. Pursuant to such direction, a report has been filed. Let the report, as produced, be kept on record.

We have perused the materials in the case diary and the contents of the report wherefrom, *prima facie*, the contention of Mr. Mondal is not acceptable.

Considering the gravity of the offence and the extent of complicity of the petitioner in the alleged offence, we are not inclined to exercise any discretion in favour of the petitioner. As such, the petitioner's prayer for bail is **rejected** at this stage.

The application for bail, being CRM 10804 of 2020, is, thus, dismissed.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)