

16.07.2021
Court No.30
Item No. 07
Krishnendu
Bail Rejected

CRM 11058 of 2020
(Via video Conference)

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

And

In Re : Soleman Molla

Petitioner

Mr. Zeeshan Uddin

For the Petitioner

Mr. Saswata Gopal Mukherjee, Id. P.P.

Mrs. Faria Hossain

Mr. Aniket Mitra

For the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Rajarhat Police Station Case No. 158 of 2019 dated 21.06.2019 under section 376(2)(ii) of the Indian Penal Code, 1860.

Mr. Jeeshan Uddin learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. The F.I.R. was registered about three months subsequent to the alleged incident. Upon completion of investigation, charge sheet has also been submitted and as such further detention of the petitioner, who is in custody for about two years, is not necessary.

Mr. Mukherjee learned Public Prosecutor appearing for the State, opposes the petitioner's prayer and submits that the offence involves sexual assault on a deaf and dumb lady and there are incriminating materials on record against the petitioner.

Having heard the learned advocates appearing for the respective parties and considering the materials in the case diary, the gravity of the offence and the extent of involvement of the petitioner in the alleged

crime, we are not inclined to exercise any discretion in favour of the petitioner at this stage. As such, his prayer for bail is rejected.

Accordingly, the application for bail, being CRM No. 11058 of 2020, is dismissed.

(Suvra Ghosh, J.)

(Tapabrata Chakraborty, J.)