

CRM(DB) No.42 of 2022

Via video conference

18.02.22

(S.R.)

Sl.11

Ct.32

In re: An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with **Sankrail** Police Station Case No.646 of 2021 corresponding to SPL TR Case No.68 of 2021 under Section 10 of the POCSO Act;

And

In re: Sk. Jahirul Hassan

... petitioner.

Mr. Imtiaz Ahmed

Mr. Ghazala Firdaus

Ms. Smita Saha

Mr. Sk. Saidullah

... for the petitioner.

Mr. Bidyut Kr. Roy

Miss. Rita Datta

...for the State.

Mr. Ahmed, learned advocate appearing for the petitioner submits that the petitioner's wife was earlier married to one Tapan Mondal. After obtaining mutual divorce, she married the present petitioner. He has been falsely implicated in the alleged offence. Upon completion of investigation charge sheet has been submitted and as such, further detention of the petitioner, who is in custody for about 245 days, may not be necessary and he may be enlarged on bail on any stringent condition.

Ms. Datta, learned advocate appearing for the State opposes the petitioner's prayer. Drawing our attention to the statements of the victim girl and her mother, as recorded under Section 164 of the Code, she further submits that the victim girl is the step daughter of the petitioner and was aged about 12 years old on the date of the alleged incident.

Heard the learned advocates appearing for the respective parties and considered the materials on record.

Prima facie, there are strong incriminating materials on record

against the petitioner. Considering the seriousness of the offence, its ramifications and the extent of complicity of the petitioner in the alleged offence, we are not inclined to exercise discretion in his favour. As such, his prayer for bail is refused at this stage.

The application for bail being CRM(DB) No.42 of 2022 is, accordingly, 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.)