

28.04.2022
Serial no.57
[Dd]
(Bail **Rejected**)

CRM (DB) 1115 of 2022

In re : An Application for **Bail** under Section **439** of the Code of Criminal Procedure in connection with **Hemtabad** Police Station Case No. **197** of **2021** dated **22.08.2021** under Sections **363/365** of the Indian Penal Code and adding section **6** of the Protection of Children from Sexual Offences Act corresponding to POCSO case No. **61 of 2021**.

-And-

In the matter of : Abdul Hamid

... ..Petitioner

Mr. Jisan Iqubal Hossain, Advocate
... .. For the Petitioner

Mr. Joydeep Roy,
Ms. Sujata Das, Advocates
... ..For the State

Petitioner renews the prayer for bail.

Learned advocate appearing for the petitioner submits that the petitioner married the victim. In fact, it is the petitioner who rescued the victim. Sahid abducted the victim. He points out that earlier order of rejection dated March 24, 2022 contains an incorrect recording so far as the marriage of the victim with the Sahid is concerned.

Learned advocate appearing for the State draws the attention of the Court to the statement of the victim recorded under Section 164 of the Criminal Procedure Code.

Prayer for bail of the petitioner was rejected on March 24, 2022. There is an incorrect recording of fact in such order. The victim was married to the petitioner and not to the Sahid. The victim claimed that she was in love with Sahid. Rest of the portion of the order dated March 24, 2022 do not contain any incorrect fact. Even on a re-

evaluation of the materials in the case diary, in view of the recording of an incorrect fact made on March 24, 2022, we are unable to enlarge the petitioner on bail. The victim implicates the petitioner in her statement recorded under Section 164 of the Criminal Procedure Code. She states that she was ravished by the petitioner and was made pregnant by the petitioner.

Consequently, we are not inclined to grant bail to the petitioner.

Prayer for bail of the petitioner is **rejected**.

CRM (DB) 1115 of 2022 is **dismissed**.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)