

23.06.2022
Sl. No.20
akd
[Rejected]

C. R. M. (DB) 1260 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 05.05.2022 in connection with Mogra Police Station Case No. 03 of 2022 dated 01.01.2022 under Sections 376/417 of the Indian Penal Code.

And

In Re: ***Md. Yasin***

... .. Petitioner

Mr. Phiroze Edulji

... .. for the petitioner

Mr. Debabrata Chatterjee .. Id. Addl. Public Prosecutor
Mrs. Sonali Das
Ms. Mousumi Sarkar

... .. for the State

Report is placed on record wherefrom it appears that the petitioner is the father of the child born to the victim girl.

It is submitted on behalf of the petitioner that there was a love affair between the parties and he is willing to marry the victim girl.

Learned Additional Public Prosecutor opposes the prayer for bail and submits that the petitioner dishonestly cohabited with the victim girl.

In course of hearing of the matter, insinuations were levelled by the petitioner that the victim girl was living with another man and had got pregnant. This prompted the court to obtain a DNA report which rules out such false insinuation against the victim.

We have considered the materials on record. Petitioner had created an impression that he would marry the young girl and cohabited with her. Thereafter, he refused to marry the girl and made false insinuation that she was of bad character and had physical relationship with others. Due to such cohabitation, victim girl had become pregnant.

In view of the aforesaid insinuation made by the petitioner, this court was prompted to obtain a DNA report with regard to the paternity of the child. DNA report shows petitioner is the father of the child. This prima facie exposes the dishonesty of the petitioner not only at the inception of the relationship between the parties but also his cruel ruse to throw muck at the reputation of a young girl to wriggle out of his culpability.

Faced with such situation, petitioner now offers to marry the victim. We are of the opinion such halfhearted offer after collection of ample incriminating evidence with regard to prima facie complicity of the petitioner in the crime is not reliable unless the victim on her own free will and volition offers to marry the petitioner. Hence, we are not inclined to grant bail to the petitioner at this stage.

The application for bail is thus **rejected**.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)