

**C.R.M. (DB) 1281 of 2022**

**17.05.2022**  
Sl. 72  
Court No.29  
sourav  
(Rejected)

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with **Uluberia** Police Station Case No. **04** of **2022** dated **04.01.2022** under Sections **376AB/34** of the Indian Penal Code and Section **6** of the Protection of Children from Sexual Offences Act, 2012.

And

In the matter of: **Hobibur Khan @ Hobbi Khan**

....petitioner.

Mr. Anindya Ghosh

...for the petitioner.

Ms. Zareen N. Khan

Md. Kutub Uddin

...for the State.

Petitioner prays for bail.

Learned advocate appearing for the petitioner submits that the petitioner was falsely implicated. He submits that the defacto complainant approached the learned magistrate under Section 156(3) of the Criminal Procedure Code on November 10, 2021. A police complainant was lodged on November 13, 2021, *inter alia*, under Section 498A of the Indian Penal Code against the petitioner. The petitioner and two others surrendered before the jurisdictional court on January 3, 2022. The two other co-accused were enlarged on bail by the jurisdictional court. The petitioner was taken into custody. The next date fixed in that police complaint was January 5, 2022. The present police complaint was lodged on January 4, 2022. He submits that since the first police complaint was lodged through a proceeding under Section 156(3) of the Criminal Procedure Code, there is no ground as to why the present complaint was not incorporated therein since the incident narrated in the present police complaint are incidents much prior to the lodgment of the petition under Section 156(3) of the Criminal Procedure Code on November 10, 2021. He submits that the petitioner was falsely

implicated. The petitioner is in custody in excess of 127 days and that the police filed charge-sheet and, therefore, the petitioner should be enlarged on bail.

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.

In the present case, the victim is eight years of age, implicates the petitioner who is her father.

Considering the gravity of the offence and the involvement of the petitioner therein as transpiring from the materials in the case diary, we are unable to grant bail to the petitioner.

Accordingly, the prayer for bail of the petitioner is rejected.

**C.R.M. (DB) 1281 of 2022** is dismissed.

**(Debangsu Basak, J.)**

**(Bibhas Ranjan De, J.)**

