

16.08.2022.
22.
Ct.No.28
as
(Rejected)

C.R.M. (DB) 2734 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Malda P.S. Case No.250 of 2022 dated 19.06.2022 under Sections 363/365/34 of the Indian Penal Code and adding Sections 364/302/201 of the Indian Penal Code and Section 6 of the POCSO Act.

In the matter of : Islam Ali @ Md. Islam.

....Petitioner.

Mr. Rana Mukherjee,
Ms. Sudeshna Das.

...for the Petitioner.

Mr. Saibal Bapuli, Id. A.P.P.,
Mr. Arani Bhattacharyya.

...for the State.

Heard the learned Advocates appearing for the parties.

Petitioner is in custody for about 54 days. It is submitted he is not the principal accused.

Learned Advocate for the State opposes the prayer for bail. He submits petitioner is the father of the principal accused Shamim Akhtar. Victim had been called by Shamim and thereafter brutally murdered by the said Shamim and his father i.e. the petitioner.

We have considered the materials on record. Statements of witnesses show the minor was called by Shamim Akhtar, a co-accused to his residence. Petitioner is the father of said Shamim Akhtar. Thereafter, the dead body of the victim was recovered. Post mortem report reveals a case of rape and homicidal death. Prima facie involvement of the petitioner is transpiring from the aforesaid materials on record.

Under such circumstances and in view of the gravity of the offence, we are of the view this is not a fit case to grant bail to the petitioner.

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

(Ananya Bandyopadhyay,J.)

(Joymalya Bagchi, J.)