

16.08.2022
Sl. No.34
akd
[Rejected]

C. R. M. (DB) 2746 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 08.08.2022 in connection with Amta Police Station Case No. 338 of 2018 dated 08.08.2018 under Sections 376(2)(i)/506/34 of the Indian Penal Code read with Sections 4/8 of the POCSO Act culminating to charge-sheet under Sections 376AB/506/34 of the Indian Penal Code read with Section 6 of the POCSO Act.

And

In Re: ***Mojaffar Mallick***

... .. Petitioner

Ms. Devi Priya Mitra

... .. for the petitioner

Ms. Faria Hossain

Mr. Anand Kesari

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 540 days. Co-accuseds have been granted pre-arrest bail.

Learned advocate appearing for the State opposes the prayer for bail.

We have considered the materials on record. Victim is an eight month old child. Statement of her mother shows petitioner had taken away the child and thereafter she noted swelling in her private parts. Petitioner is the principal accused and does not stand on the same footing with co-accuseds who have been granted pre-arrest bail. Keeping in mind the aforesaid incriminating materials and gravity of the offence, we are not inclined to grant bail to the petitioner at this stage.

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

Trial court is directed to expedite the trial and conclude the same at an early date.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)

