

10.01.2022
Court No.32
Item No. 19
Avijit Mitra

C.R.M. 8130 of 2021

In Re:- An application for bail under section 439 of the Code of Criminal Procedure ;

And

In Re : Sanaullah Khan @ Ramjan

Petitioner

Mr. Sumanta Chakraborty

For the Petitioner

Ms. Anasuya Sinha,

Mr. Pinak Kumar Mitra

For the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Arambagh Police Station Case No.361 of 2021 dated 11.09.2021 under sections 376(2)(N) of the Indian Penal Code and Section 6 of the Protection of Children from Sexual Offences (POCSO) Act, 2012.

Mr. Chakraborty, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. The complaint has been lodged about 4 months after the alleged incident. In view of such delay in lodging the FIR, incorporation of exaggerated accounts of the alleged incident cannot be ruled out. The relationship between the petitioner and the victim girl was consensual in nature. Upon completion of investigation chargesheet has also been submitted and as such, further detention of the petitioner, who is in custody for about 122 days, is not necessary.

Ms. Sinha, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statement of the victim girl as recorded under Section 164 of the Code as well as the medical report wherefrom it appears that the victim girl was pregnant.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

Prima facie, there are strong incriminating materials against the petitioner. Considering the gravity of the offence, the nature of allegation and the extent of complicity of the petitioner in the alleged offence, we are not inclined to exercise any discretion in his favour and as such, his prayer for bail is refused at this stage.

Accordingly, the application for bail, being CRM No.8130 of 2021, is dismissed.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Sugato Majumdar, J)

(Tapabrata Chakraborty, J)