

10.01.2022
Sl. No.29
sdas/akd

C. R. M. 8269 of 2021

In Re: An application for bail under Section 439 of the Code of Criminal Procedure :

And

In Re: ***Monirul Laskar***

... .. Petitioner

Mr. Angshuman Chakraborty

... .. for the petitioner

Ms. Zareen N. Khan

Mr. Ashok Das

... .. for the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Maipith Coastal Police Station Case No. 95 of 2020 dated 13.10.2020 under sections 363/365 of the Indian Penal Code and section 4 of the Protection of Children from Sexual Offences Act, 2012.

Mr. Chakraborty, learned advocate appearing for the petitioner submits that upon completion of investigation, charge sheet has been submitted and the ingredients of Section 376(3) of IPC and Section 4 of POCSO Act are not attracted against the petitioner. This fact was not pointed out to the Hon'ble Court when the petitioner's prayer was last rejected on 16.09.2021.

He further submits that the petitioner had already suffered incarceration for about one year and three months and even charges have not been framed. In the said conspectus, the petitioner may be enlarged on bail on any stringent condition.

Ms. Khan, learned advocate appearing for the State, opposes the petitioner's prayer and submits that there are strong incriminating materials against the petitioner, as would be explicit from the statement

of the victim girl as recorded under Section 164 of the Code of Criminal Procedure and other materials in the case diary. Answering a query of this court, she submits that date has been fixed on 18.01.2022 for consideration of the charges.

Records reveal that the petitioner's prayer was rejected by a coordinate Bench of this court on 24.02.2021 observing *inter alia* that the statement of the victim girl '*implicates the present petitioners to some extent for creating a chain for ravishing the victim*'. The charge sheet was submitted prior to such rejection of the petitioner's prayer and we do not find any substantial change in the circumstances subsequent thereto.

Considering the seriousness of the offence, the nature of accusations and the extent of complicity of the petitioner, we are not inclined to exercise discretion in his favour. As such his prayer for bail is rejected at this stage.

However, the learned court below is directed to consider the charges on the returnable date without granting unnecessary adjournment to either of the parties and to expedite the trial, if charges are framed and conclude the same as early as possible.

With the aforesaid observations, the application for bail being CRM 8269 of 2021 is disposed of.

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.)