

03.02.2022
Item no.44
Court No.32
Avijit Mitra

C.R.M. 8714 of 2021

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with Dhubulia Police Station Case No.350 of 2021 dated 08.11.2021 under Section 6 of the Protection of Children from Sexual Offences Act, 2012.

And

In Re : Naju Sk @ Md. Nazoo Sekh

.... petitioner

Mr. Arnab Mukherjee

....for the petitioner

Mr. Sudip Kumar

....for the State

Heard Mr. Mukherjee, learned lawyer appearing for the present petitioner. It is submitted by Mr. Mukherjee that there was a land dispute between the parties and the present petitioner is falsely implicated with an oblique motive by the parents of the victim girl. He further submitted that the present petitioner is in custody for about 88 days. There is no chance of immediate commencement of trial. Accordingly, he prayed for bail.

Per contra, Mr. Kumar, learned lawyer appearing for the State submitted, that strong incriminating elements are there against the present petitioner and invited our attention to the statement of the victim girl recorded under Section 164 of the Code of Criminal Procedure as well as the medical report and other statements. In a nutshell, Mr. Kumar strongly opposes the bail.

We have heard the rival submissions. Investigation is still going on. Chargesheet has not yet been submitted. There are strong incriminating materials against the present petitioner at this stage. We also noticed that the victim girl is 6 years old whereas the present petitioner is 60 years old. In view of the fact that the investigation is still pending and strong incriminating materials are there against the present petitioner and as the offence is very grave and serious, we are not inclined to allow the bail application, at this stage.

The application for bail being CRM No.8714 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.)