

CRM No.8750 of 2021

Via video conference

07.02.22

(S.R.)

Sl.22

Ct.32

In re: An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with **Khanakul** Police Station Case No.332 of 2021 dated 21/08/2021 under Sections 363/365/328/376(2)(n)/504/506/323 of the Indian Penal Code read with Section 6 of the POCSO Act and Sections 9/10 of Prohibition of Child Marriage Act corresponding to POCSO Case No.16 of 2021;

And

In re: Sekendar Molla @ Sk. Sekendar Molla ... petitioner.

Mr. Kallol Mondal

Mr. K. Ray

Mr. Souvik Das

Mr. Anamitra Banerjee

... for the petitioner.

Mr. Swapan Banerjee

Mr. Anindya Sundar Chatterjee

...for the State.

Mr. Mondal, learned advocate appearing for the petitioner submits that there was a love relationship between the petitioner and the victim girl. She willingly left her residence and accompanied the petitioner. She thereafter returned to her house on 6th May, 2021. About 3 months thereafter complaint had been registered. There is no explanation about such delay. The petitioner has already suffered long incarceration for about 169 days and upon completion of investigation charge sheet has already been submitted. In view thereof, the petitioner may be enlarged on bail on any stringent condition.

Mr. Chatterjee, 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.

Heard the learned advocates and considered the materials in the case diary.

Prima facie, we find strong incriminating materials in the case

diary against the petitioner. Considering the gravity of the offence, the nature of accusations and the extent of complicity of the petitioner in the alleged offence, we are not inclined to exercise any discretion in his favour. As such, his prayer for bail is refused at this stage.

The application for bail being CRM No.8750 of 2021 is, accordingly, 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.)