

CRM No.8757 of 2021

Via video conference

07.02.22

(S.R.)

Sl.25

Ct.32

In re: An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with **Haripal** Police Station Case No.239 of 2021 dated 10/09/2021 under Section 376 AB of the Indian Penal Code read with Sections 4 and 6 of the POCSO Act;

And

In re: Shiba Shaw

... petitioner.

Mr. Siddhartha Sarkar

... for the petitioner.

Mr. Imran ali

Mr. Mirza Firoj Ahmed Begg

...for the State.

Mr. Sarkar, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated in the alleged incident. The allegations are unfounded. Upon completion of investigation charge sheet has been submitted and as such, further detention of the petitioner, who is in custody for about 145 days, is not necessary and he may be enlarged on bail on any stringent condition.

Mr. Begg, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statements of the witnesses including that of the minor girl, as recorded under Sections 161 and 164 of the Code as well as the medical report. He further submits that the minor girl was aged about 9 years on the date of the alleged incident whereas the petitioner was about 27 years.

Having heard the learned advocates and considering the materials in the case diary, the gravity of the offence, the nature of allegations 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.8757 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.)