

11.02.2022

Court No.32
rpan /18

CRM 8942 of 2021

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

And

In Re : **Shahabaj Hussain @ Firoj**
- Petitioner

Mr. Tapan Dutta Gupta,
Mr. Parvej Anam
... for the Petitioner.

Mr. Gautam Banerjee
... for the State.

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Kalighat Police Station Case No.99 of 2021 dated 11.09.2021 under Sections 120B/367(2)(i) of the Indian Penal Code read with Section 4 of the Protection of Children from Sexual Offences Act, 2012 [Special Case no.190 of 2021].

Mr. Dutta Gupta, learned advocate appearing for the petitioner submits that the petitioner was a friend of one Irfan with whom the victim had a consensual relationship. The petitioner has been falsely implicated. Upon completion of investigation charge sheet has already been submitted and as such, further detention of the petitioner, who is in custody for more than 154 days, may not be necessary and he may be enlarged on bail on any stringent condition.

Mr. Banerjee, 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. He submits that the victim girl was aged about 14 years on the date of the alleged incident.

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

Prima facie, it appears that the victim was called at the place of occurrence by the petitioner herein. Considering the seriousness 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.

Accordingly, the application for bail, being CRM 8942 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.)