

03.03.2022

COURT : 01
 ITEM : 08
 MATTER : 439
 STATUS : REJECTED
 TRANSCRIBER : nandy

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
 AT JALPAIGURI**

CRM (DB) 20 of 2022

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed on January 13, 2022 in connection with Rajganj Police Station Case No. 111 of 2022 dated 11.08.2020 under Sections 341/363/365/376DA/302/201/120B/34 of the Indian Penal Code read with Section 6 of the Protection of Children from Sexual Offences Act. (POCSO Case No. 83 of 2021)

And

In the matter of: **Tamirul Hoque**

...Petitioner

Mr. Sudip Guha, Advocate

...for the Petitioner

Mr. Aditi Shankar Chakraborty, Learned A.P.P.

Mr. Abhijit Sarkar, Advocate

Mr. Biswarup Roy, Advocate

...for the State

The petitioner is seeking bail in connection with Rajganj Police Station Case No. 111 of 2022 dated 11.08.2020 under Sections 341/363/365/376DA/302/201/120B/34 of the Indian Penal Code read with Section 6 of the Protection of Children from Sexual Offences Act.

Learned Advocate appearing for the petitioner submits that the petitioner is in custody for more than one and half years. From the statement of the witnesses, copies of which have been served upon the petitioner, it will reveal that the petitioner is in no way associated with the offence as alleged. Under such circumstances, learned lawyer submits that the petitioner may be granted bail.

Learned lawyer appearing for the State vehemently opposes the prayer for bail. Learned lawyer submits that the victim girl at the time of the offence was aged about 15 years and she was sexually ravished by the accused persons including the petitioner and, thereafter, she was brutally murdered and hidden in a septic tank. Learned lawyer taking us to the statements of a number of witnesses under Sections 161 & 164 of the Code of Criminal Procedure, impresses that the petitioner is directly involved in the commission of the offence.

We have minutely gone through all the statements of witnesses both 161 and 164 of the Code of Criminal Procedure. We have also perused the medical papers as collected by the Investigating Officer.

Upon hearing the learned Counsel for the parties and on consideration of the materials in the case diary, we find that there are sufficient incriminating materials against the petitioner. Chargesheet has been submitted within the statutory period.

In view of the above, we are not inclined to enlarge the petitioner on bail.

Accordingly, the prayer for bail is **rejected**.

The application for bail being **CRM (DB) 20 of 2022** is **dismissed**.

(Harish Tandon, J)

(Rabindranath Samanta, J)

