

16.05.2023
cm/ct 28
sl no. 44

C.R.M.(DB) No. 1941 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with **Minakhan P.S Case No. 81 of 2022** dated **07.04.2022** under Sections **6 and 8** of protection of Children from Sexual Offences Act, 2012, read with Sections 328/307/376DA/506/120B of the Indian Penal Code.
And

Rejected

In Re : Samrat Ali Molla & Anr.

..... petitioners

Mr. Ali Ahsan Alamgir
Ms. Soma Mal
Ms. June Modak

..... for the petitioners

Mr. Swapan Banerjee
Ms. Purnima Ghosh

..... for the State

Learned lawyer for the petitioners submit victim and her relatives had turned hostile. Co-accused are on bail. He prays for bail.

Learned lawyer for the State submits DNA examination shows semen recovered from the wearing apparels of the victim matched with the petitioner.

We have considered that materials on record. Allegations involve gang rape of a minor. Though the minor and the parents have not supported the case forensic evidence implicates the petitioner. They do not stand on the same footing with the co-accused i.e. Samim Molla whose DNA profile did not match with the semen recovered from the wearing apparels of the victim.

Under such circumstances and in view of the gravity of offence, we are not inclined to grant bail to the petitioners.

Trial court is directed to expedite the trial and conclude the same as expeditiously as possible without granting unnecessary adjournment to either of the parties.

The application being CRM(DB) No. 1941 of 2023 is rejected.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)