

03.07.2023
tkm/ct 28
sl no.77

C.R.M. (DB) 2397 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Minakhan Coastal PS case no. 81 of 2022 dated 7.4.2022 under sections 6 and 8 POCSO Act read with sections 328/307/376D/506/120B IPC

And

In Re : Suraj Molla @ Suroj Molla

..... petitioner

Mr. S Das Mahapatra
Ms. Soma Mal
Ms. June Modak

..... for the petitioner

Mr. N Ahmed
Ms. Amita Gaur

..... for the State

Md. Bani Israil

..... for the de facto complainant

Petitioner submits that the victim and her parents have not supported the prosecution case. He renews his bail prayer.

Learned lawyer for the State submits that DNA reports shows presence of semen stains of the petitioner on the wearing apparel of the victim.

We have considered the materials on record. Though the witnesses have turned hostile, a vital incriminating circumstance i.e. DNA evidence establishes semen stains on the wearing apparel of the victim. It was strenuously argued that the said evidence was manufactured. Trial is in progress and it is premature to opine on such plea. Bail prayer of co-accused has been turned down.

Under such circumstances, we are not inclined to grant bail to the petitioner at this stage.

Accordingly, prayer for bail is rejected.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)