

05.02.2024

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rejected

C.R.M.(DB) No. 326 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Ratua Police Station Case No. 112 of 2021 dated 14.03.2021 under Sections 376/506/34 of the Indian Penal Code and Section 4 of the POCSO Act.

And

In Re : Md. Badiruddin petitioner

Ms. Minoti Gomes

Mr. Asfak Ahammed

....for the petitioner

Mr. Bitasok Banerjee

... for the State

1. Learned Counsel for the petitioner submits he is in custody for one year and eleven months. It is also submitted he has been falsely implicated. Victim has already been examined. He prays for bail.

2. Learned Counsel for the State opposes the prayer for bail and submits DNA report of the child born due to rape shows petitioner is the father of the child.

3. We have considered the materials on record. Victim is a minor girl. She got pregnant due to the act of rape. DNA report shows petitioner is the father of the child born to the minor. In view of the aforesaid incriminating materials and gravity of the offence we are not inclined to grant bail to the petitioner at this stage.

4. Application for bail is, thus, rejected.

5. Trial court is directed to expedite the trial and conclude the same at an early date without granting unnecessary adjournment to either of the parties.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)