

13.06.2024
Item no.54.
Court No.28.
S. De
(Rejected)

CRM (DB) No. 1597 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure.

And

In the matter of : Md. Aktar @ Kalu.

.....Petitioner.

Md. Wasim Akram,

.....for the Petitioner.

Ms. Reshmi Khatun

...for the de facto complainant.

Mr. Saryati Dutta,

Ms. Suparna Chatterjee,

...for the State.

The allegation is under the provisions of the Protection of Children from Sexual Offences Act (POCSO). The petitioner says that he has been falsely framed. There was an affair between the victim girl and the petitioner. The family of the victim girl did not approve of such relationship. As a result, false complaint has been lodged against him. He is in custody for more than one year. The Medical Report does not support the prosecution case. He should be granted bail.

The State opposes the prayer for bail.

Our attention is drawn to various witness statements including that of the victim girl as recorded under Section 164 Cr.P.C. as also to the deposition of the victim girl recorded by the trial Court. She clearly implicates the petitioner.

On an overall assessment of the material on record and prima facie incriminating evidence against the petitioner, we are not inclined to entertain the petitioner's prayer for bail.

The application for bail is, accordingly, rejected.

CRM (DB) 1597 of 2024 is dismissed.

However, since the petitioner has been in custody for more than a year and is of relatively young age, the learned Trial Court shall make all endeavours to conclude the trial as soon as possible without granting unnecessary adjournments to either of the parties.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)