

CRM (DB) 1803 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Dadpur Police Station** Case No. **96 of 2021** dated **21.06.2021** under Sections **323/448/506** of Indian Penal Code read with Sections 4 and 8 of the POCSO Act.

- A n d -

In the matter of : Md. Musa Molla @ Mosa Molla

.... Petitioner.

Mr. Jeenia Rudra,

... For the Petitioner.

Mrs. Shaila Arfin,

Mr. Debarshi Brahma,

... For the State.

Mr. Sudip Ghosh Chowdhury,

Mr. D. Bhattachaya,

Mr. S. Paul,

.... For the defacto complainant.

Order dictated in open court by Apurba Sinha Ray, J.

The learned Counsel for the petitioner submits that the petitioner has been falsely implicated as the petitioner allegedly demanded money from the de facto complainant on account of money spent by him for the treatment of the complainant's husband. He has been languishing in judicial custody for one year and four months. The trial of the instant case has not yet commenced. He may be granted bail on any condition.

The learned Counsel for the defacto complainant has raised strong objection.

The learned Advocate for the State has referred to the statement of the victim girl recorded under Section 164 of the Code of Criminal Procedure as well as the medical report of the victim girl.

It is also alleged that the petitioner remained absconding for a considerable period of time. Some of the vulnerable witnesses are also yet to be examined.

After considering the material on record including the statement recorded under Section 164 of the Code of Criminal Procedure of the victim girl and the medical report, we are not inclined to allow the petitioner's prayer for bail.

CRM (DB) 1803 of 2024 is, thus, dismissed.

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.)