

05.03.2025
15
Court No.26
S.D.
Rejected

CRM (DB) 4217 of 2024

In re: An Application for **Bail** under Section **439** of the Code of Criminal Procedure, 1973 read with Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Kultali Police Station Case no. 66 of 2023** dated **29.01.2023** under Sections **376 (2)(n)** of the Indian Penal Code read with Section **6** of the POCSO Act.

-And-

In the matter of: Abdul Hossain Molla
@ Abul Hasan Molla
@ Abulhasan Molla

... .. Petitioner

Mr. Soumya Nag

Ms. Namrata Chatterjee

... .. For the Petitioner

Mr. Debasish Roy, Ld. P.P.,

Mr. Arijit Ganguly

Mr. Koushik Kundu

... ..For the State

Ms. Afreen Begum

...For the defacto complainant

Report as called for by the order dated January 30, 2025 of the Coordinate Bench filed in Court be taken on record.

Petitioner prays for bail on three grounds. First is that there is a marriage between the petitioner and the victim. The second is that the petitioner and the victim are Muslim by religion. Petitioner is in custody for a period in excess of 2 years and that no prosecution witnesses stand examined till date. The medical report does not support the prosecution.

State and the defacto complainant are represented.

Victim is a minor.

The marriage certificate spoken of by the petitioner was investigated into by the police and the Marriage Registrar claims that he did not sign the marriage certificate.

Period of custody is not such so as to allow us to take a view in favour of the petitioner under Article 21 of the Constitution of India. Trial is in progress. Prosecution intends to examine 11 prosecution witnesses.

Enlarging the petitioner on bail in the present scenario may not send a correct signal to the society so far as child marriage and attending circumstances are concerned.

In such circumstances, we are not inclined to grant bail to the petitioner and the prayer for bail of the petitioner is rejected.

The application being **C.R.M. (DB) 4217 of 2024** stands dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)