

02.12.2020

BP/BR
Sl. 18

CRM 9677 of 2020

(Via Video Conference)

In re: An application for bail under Section 439 of the Code of Criminal Procedure, 1973 in connection with Panskura Police Station Case No. 582 of 2019 dated 13.12.2019 under Sections 363/366 and adding Section 376(3) of the Indian Penal Code and Sections 6 and 17 of POCSO Act and 9 and 10 of Prohibition of Child Marriage.

In the matter of : Jadav Dolai.....petitioner

Mr. Ritam Chowdhury
..for the petitioner.

Mr. Partha Pratim Das
..for the State.

It is submitted by the learned advocate for the petitioner that there is some change of circumstances of the earlier order of rejection passed by the co-ordinate bench of this court. Therefore, the petitioner should be enlarged on bail. He further contends that the victim girl is ready and willing to stay with the petitioner. She is on the verge of 18 years of age.

Learned advocate for the State opposes the prayer for bail and draws the attention of the court to

the statement made under Section 164 of the Cr.P.C. He also submits that the victim girl is not willing to stay with the petitioner.

Considering the submissions as advanced by the learned advocates for the parties and after perusing the case diary as well as the statement made under Section 164 of the Cr.P.C., in our considered view, since the victim girl is not ready and willing to stay with the petitioner and the victim girl did not even attain the age of 18 years, therefore, the application for bail should not be allowed.

Accordingly, the application for bail is rejected.

The application for bail being C.R.M. 9677 of 2020 is disposed of.

(Samapti Chatterjee, J.)

(Kausik Chanda, J.)