

05-01-2021
KB
Item no.4
Rejected
Crt.05

IN THE HIGH COURT AT CALCUTTA
Criminal Miscellaneous Jurisdiction

C.R.M 8 of 2021
Rahim Molla

-vs-

The State of West Bengal

In Re: An application for bail under Section 439 Cr.P.C arising out of the proceeding of Deganga Police Station Case No. 569 of 2020 dated 25.10.2020 under Sections 363/365/376(2)(n) of the Indian Penal Code, 1860 and under Section 6 of the Protection of Children from Sexual Offence Act, 2012.

Ms. Sreyashee Biswas
Ms. Benajir Hasna ...for the petitioner.

Mr. Narayan Prasad Agarwala
Ms. Subhasree Patel ... for the State.

Ms. Biswas, Learned Counsel, appears on behalf of the petitioner and prays for bail in connection with Deganga Police Station Case No. 569 of 2020 dated 25th October, 2020 under Sections 363/365/376(2)(n) of the Indian Penal Code read with Section 6 of the POCSO Act.

It is submitted that the victim girl (VG) left on her own accord with the petitioner and the VG having attained sexual and mental maturity, the relationship between the petitioner and the VG was consensual. It is also submitted that the charge-sheet has been submitted.

Per contra, Ms. Patel, Learned State Counsel, produces the Case Diary and heavily relies on the Section 164 CrPC statement of the VG as recorded before the Learned Magistrate. In her statement the VG has reported the fact that she was misled by the petitioner into

entering a physical relationship, although the petitioner, as was subsequently revealed to the VG, was a married man.

Having heard the parties and considering the materials placed, this Court is of the view that the consensual part of the relationship as claimed by the petitioner stands rebutted by the stand on oath taken by the VG. This Court is therefore not persuaded to enlarge the petitioner on bail at this stage.

Learned Trial Court is however, requested to expedite the trial subject to its board.

Prayer for bail stands thus rejected.

CRM 8 of 2021 stands accordingly **disposed of**.

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

Urgent xerox certified copy of this order, if applied for, be supplied to the parties on usual undertaking.

[Subhasis Dasgupta, J.]

[Subrata Talukdar, J.]

