

19.02.2021
Court No.28
rpan /22
(Via Video Conference)

C.R.M. 416 of 2021

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Haripal Police Station Case No.210 of 2020 dated 26.07.2020 under Sections 376(2) (n)/376(3) of the Indian Penal Code read with Section 6 of the Protection of Children from Sexual Offences Act, 2012 and Section 9 of the Prohibition of Child Marriage Act;

And

In re: **Harisankar Ghorui @ Shankar Ghorai**
- Petitioner

Mr. U. S. Chattaopadhyay,
Mr. Santanu Maji,
Ms. Snigdha Saha,
Mr. Pronoy Basak
... for the Petitioner.

Mr. Saswata Gopal Mukherjee, Ld. P.P.,
Mr. Partha Pratim Das,
Mrs. Manasi Roy
... for the State

Mr. Chattopadhyay, learned advocate appearing for the petitioner submits that there was a love affair between the petitioner and the victim girl. On a previous occasion also the victim girl willingly left with the petitioner herein. The complaint has been lodged falsely implicating the petitioner. Upon completion of investigation, charge-sheet has also been submitted and as such, further detention of the petitioner, who is in custody for 183 days, is not necessary.

Mr. Mukherjee, the learned Public Prosecutor opposes the petitioner's prayer and submits that there are sufficient materials on record which disclose the direct involvement of the petitioner in the alleged offence.

Mr. Chattopadhyay, in reply, submits that the statement recorded by the victim girl under Section 164 of the Code of Criminal Procedure clearly reveals that there was a love relationship between the victim girl and the petitioner and she willingly accompanied the petitioner.

Indisputably, the victim girl was a minor on the date of alleged incident. Considering the gravity of the offence and the extent of complicity of the petitioner in the alleged offence, we are not inclined to grant bail to the petitioner, at this stage and the application for bail, being CRM 416 of 2021, is accordingly, rejected.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)