

22.02.2021  
Court No.28  
rpan / 57

**C.R.M. 541 of 2021**  
**(Via Video Conference)**

In Re:- An application for bail under section 439 of the Code of Criminal Procedure ;

And

In Re : **Haran Baral @ Harun Baral**  
Petitioner

Mr. Sanat Kumar Das,  
Mr. Sujan Chatterjee

For the Petitioner

Mr. Madhusudan Sur,  
Mr. Dipankar Paramanick

For the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Bhatar Police Station Case No. 279 of 2019 dated 28.06.2019 under section 376(2)(i) of the Indian Penal Code and Section 6 of the Protection of Children from Sexual Offences Act.

The learned advocate appearing for the petitioner submits that the petitioner is aged about 77 years and he has been falsely implicated in this case. Upon completion of investigation, charge-sheet has also been filed and as such, further detention of the petitioner, who is in custody for 553 days, is not necessary. Drawing the attention of this Court to the evidence of the victim girl, he submits that the allegations against the petitioner are not sustainable. He further submits that out of twenty-four witnesses, only six have been examined and there

is no possibility of conclusion of trial in the near future. In the said conspectus, further detention of the petitioner is not necessary.

Mr. Sur, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the medical report. He further submits that the victim girl is deaf and dumb and the trial has substantially proceeded. The subsequent dates of trial have been fixed on and from 9<sup>th</sup> March, 2021 to 16<sup>th</sup> March, 2021 for rest of the witnesses.

The allegation is that the petitioner had sexually assaulted a deaf and dumb child of 16 years. The petitioner was about 77 years on the date of the alleged offence. Sexual exploitation and sexual abuse of a child are heinous offences and need to be effectively addressed.

While exercising discretion, the Court is required to maintain a balance between the personal liberty and the interest of the society. In a given situation, the collective interest of the community may outweigh the right of personal liberty of the individual concerned.

Considering the magnitude of the offence, its ramifications and the extent of complicity of the petitioner in the alleged offence, we are not inclined to enlarge the petitioner on bail. The prayer for bail is, thus, refused.

However, the learned trial court is directed to conclude the trial as expeditiously as possible without granting any unnecessary adjournment.

The application for bail, being CRM No. 541 of 2021 is,  
accordingly, disposed of.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)