

25.03.2021

**Court No.28
rpan / 129**

**C.R.M. 1356 of 2021
(Via Video Conference)**

In Re:- An application for bail under section 439 of the Code of Criminal Procedure in connection with Khanakul P.S. Case No. 14 of 2021 dated 09.01.2021 under Sections 366/376(2)(n)/354 of the Indian Penal Code read with Sections 4/6/8 of the Protection of Children from Sexual Offences Act, 2012 and Section 9 of the Prohibition of Child Marriage Act;
And

In Re : **Raja Ghosal**
- Petitioner.

Mr. Kallol Mondal,
Mr. Krishan Roy,
Ms. Amrita Chel,
Mr. Souvik Das,
Ms. A. Banerjee
....for the petitioner.
Ms. Faria Hossain,
Ms. Sonali Das
....for the State.

Mr. Mondal, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. The allegations levelled are absolutely unfounded. There was a love affair between the petitioner and the victim girl. On and from April, 2020 the victim girl wilfully resided with the petitioner at his house along with other members of the family.

Drawing the attention of this Court to the representation dated 30th December, 2020, submitted by the father of the petitioner, Mr. Mondal submits that as a counter blast to the allegations levelled in the said representation, the complaint was lodged by the mother of the victim girl in the month of January,

2021. In the said conspectus and since upon completion of investigation charge-sheet has also been filed, further detention of the petitioner, who is in custody for more than 75 days, is not warranted.

Ms. Das, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statement of the victim girl, who was about 15 years of age on the date of alleged incident, as recorded under Section 164 of the Code of Criminal Procedure.

We have heard the learned advocates and considered the materials in the case diary including the statement of the victim girl, as recorded under Section 164 of the Code. In view of the gravity of the offence and the extent of complicity of the petitioner in the alleged offence, we are not inclined to exercise any discretion in favour of the petitioner and as such, his prayer for bail is refused at this stage.

The application for bail, being CRM No. 1356 of 2021, is, accordingly, dismissed.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)