

16.11.2021

CRM 1450 of 2021

**Court No.28
Item No.16
(Rejected)**

Akd

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Deganga Police Station Case No. 393 of 2020 dated 17.08.2020 under Sections 363/365/376 of the Indian Penal Code and Section 4 of the Protection of Children from Sexual Offences Act;

And

In the matter of : **Sahanur Molla @ Fittu.**
...Petitioner.

Mr. Sk. Hasan Salahuddin Ahemed,
Mr. Susnigdha Bhattacharyya.
...For the Petitioner.

Mr. Rana Mukherjee,
Ms. Sujata Das,
Mr. Kaushik Majumdar.
...For the State.

The petitioner has filed the instant application for bail under Section 439 of the Code of Criminal Procedure after being arrested in connection with Deganga Police Station Case No. 393 of 2020 under Sections 363/365/376 of the Indian Penal Code and Section 4 of the Protection of Children from Sexual Offences Act.

Learned Advocate for the petitioner submits that there was a love affair between the petitioner and the daughter of the de facto complainant, who is aged about 16 years, and has been falsely implicated in connection with the aforementioned case. It is further submitted that the statements of several witnesses recorded under Section 161 of the Code of Criminal Procedure would corroborate the aforesaid statement and, therefore, there is no semblance of truth in the allegation that she was abducted and the offence under Section 4 of the Protection of Children from Sexual Offences Act was committed.

Learned Advocate for the State opposes the prayer for bail. It is submitted that the statement of the minor victim girl recorded under Section 164 of the Code of Criminal Procedure corroborates the event and the role attributable to the conduct of the petitioner.

We have heard the respective submissions of the parties and perused the materials available in the case diary including the statement of the minor victim girl recorded under Section 164 of the Code of Criminal Procedure, where she clearly divulged the fact attributable to the conduct of the petitioner pertaining to committing of the offence. There is prima facie existence of element constituting such offence under the aforesaid Act and, therefore, we do not think that it is a fit case where the petitioner should be enlarged on bail.

Accordingly, the prayer for bail of the petitioner is rejected.

However, we request the learned Judge under the Protection of Children from Sexual Offences Act to take up the matter on priority basis and expedite the trial in order to impart justice to the seeker thereof.

The application for bail being **CRM 1450 of 2021** is thus **dismissed**.

(Harish Tandon, J)

(Rabindranath Samanta, J.)