

24.06.2021

(Via Video Conference)

Court No. 28
Item No. PB-15
nandy/seth

CRM 1758 of 2021

(bail rejected)

In Re: An application for **Bail** under Section **439** of the Code of Criminal Procedure filed on 11.02.2021 in connection with Haroa Police Station Case No. 320 of 2019 dated 18.07.2019 under Sections 376(2)(i) of the Indian Penal Code and Section 4 of the Prevention of Children from Sexual Offences Act (Special Case No. 52 of 2019).

and

In the matter of: **Ruhul Amin @ Kalu**

..... Petitioner

Mr. Kallol Kumar Basu, Advocate

Mr. Md. Jannat Firdous, Advocate

.....for the Petitioner

Mr. Neguive Ahmed, learned A.P.P.

Ms. Amita Gaur, Advocate

..... for the State

Advocate-on-record of the petitioner undertakes to affirm and stamp the petition/application as per the Rules within four weeks from date. Subject to such undertaking the application is taken up for hearing.

The petitioner has filed the instant application for bail in connection with Haroa Police Station Case No. 320 of 2019 dated 18.07.2019 under Sections 376(2)(i) of the Indian Penal Code and Section 4 of the Prevention of Children from Sexual Offences Act.

Learned Advocate for the petitioner submits that the petitioner is in custody for about 307 days in connection with the instant case. It is further submitted that there was a love affair between the minor victim-girl and the petitioner and the present case has been launched out of sheer enmity.

Learned Advocate for the State opposes the prayer for bail. He submits that the minor victim-girl has categorically narrated the

incident happened on the fateful day and there is prima facie material against the petitioner for his involvement in the commission of the alleged offence.

After hearing the respective counsel and on perusal of the statement of the minor victim-girl recorded under Section 164 of the Code of Criminal Procedure, we do not find that it is a fit case where the petitioner should be enlarged on bail.

The prayer for bail is **rejected** at this stage.

The application being **CRM 1758 of 2021** accordingly **dismissed**.

(Harish Tandon, J.)

(Subhasis Dasgupta, J.)