

17.11.2021
Ct No. 28
D/L 52
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C.R.M. 5082 of 2021
(Via Video Conference)

Re: An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with Hanskhali Police Station Case No. 162/2021 dated 14.03.2021 under Sections 354/376/511 of the Indian Penal Code and Section 8 of the Protection of Children from Sexual Offences Act.

In Re: **Sujol Malo,**

... petitioner

Mr. Debabrata Roy,
Mr. Snehansu Majumder,

... for the petitioner

Ms. Sukanya Bhattacharya,
Md. Kutub Uddin

.... for the State

The learned 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 under Section 439 of the Code of Criminal Procedure after being arrested in connection with Hanskhali Police Station Case No. 162/2021 dated 14.03.2021 under Sections 354/376/511 of the Indian Penal Code and Section 8 of the Protection of Children from Sexual Offences Act.

It is submitted by the learned Advocate for the petitioner that the petitioner is in custody for about 246 days in connection with the aforementioned case. It is further submitted that there

was a dispute with the neighbouring shop owners and a false case has been instituted against the petitioner out of vengeance.

Learned Advocate appearing for the State opposes the prayer for bail. It is submitted that a minor girl aged about 13 years has been subjected to sexual assault and the same incident narrated by her in the statement recorded under Section 164 of the Code of Criminal Procedure.

Having heard the respective submissions and on perusal of the materials in the case diary including the statement of the minor victim girl aged about 13 years recorded under Section 164 of the Code of Criminal Procedure as well as the statements of the other neighbouring shop owners recorded under Section 161 of the Code of Criminal Procedure, we prima facie find ingredients required to constitute an offence under Section 8 of the Protection of Children from Sexual Offences Act and in view of the above, we do not find any justification in enlarging the petitioner on bail. Accordingly, the prayer for bail is rejected.

The application for bail being **CRM 5082 of 2021** is **dismissed**.

(Harish Tandon, J.)

(Rabindranath Samanta, J.)