

17.11.2021
 Ct No. 28
 D/L 51
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C.R.M. 5078 of 2021
(Via Video Conference)

Re: An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with Dholahat Police Station Case No. 72 dated 17.02.2021 under Sections 363/365 of the Indian Penal Code and subsequently adding Section 376 of the Indian Penal Code and Section 4 of the Protection of Children from Sexual Offences Act and Section 9 of the Prohibition of Child Marriage Act.

In Re: **Ananta Halder,**

... petitioner

Mr. Biplab Mitra,
 Ms. Trina Mitra,

... for the petitioner

Mr. Binay Panda,
 Ms. Puspita Saha,

.... 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 Dholahat Police Station Case No. 72 dated 17.02.2021 under Sections 363/365 of the Indian Penal Code and subsequently adding Section 376 of the Indian Penal Code and Section 4 of the Protection of Children from Sexual Offences Act and Section 9 of the Prohibition of Child Marriage Act.

Learned Lawyer for the petitioner submits that there was a love affair between the victim girl and the petitioner. The petitioner is in no way involved in the commission of offence, as alleged. Under such circumstances, learned Lawyer submits that the petitioner may be enlarged on bail.

Learned Lawyer for the State vehemently opposes the prayer for bail. Learned Lawyer submits that the learned trial Judge has fixed today for consideration of charge. If the petitioner is enlarged on bail, he may tamper with the evidence.

Having heard the learned Lawyers for the parties and on perusal of the materials in the case diary including the statement of the victim girl recorded under Section 164 of the Code of Criminal Procedure, we find that there is a love affair between the petitioner and the victim girl. We also find that the victim girl has not disclosed any act of the petitioner which attribute the commission of offence under Sections 4 and 9 of the Protection of Children from Sexual Offences Act.

Having regard to the nature of the offence and all the attending circumstances, we are inclined to enlarge the petitioner on bail.

Accordingly, the petitioner, namely, **Ananta Halder**, shall be released on bail upon furnishing a bond of Rs. 10,000/- (Rupees Ten Thousand Only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the

learned Judge, Special Court under the Protection of Children from Sexual Offences Act, Kakdwip, South 24-Parganas, subject to the conditions that the petitioner shall attend the trial Court on each and every date of hearing of the case unless prevented by sufficient cause and in the event of his failure on any date without justifiable cause, the trial Court would be at liberty to cancel the bail without any further reference to this Court.

The application for bail being **C.R.M. 5078 of 2021** is, **allowed.**

(Harish Tandon, J.)

(Rabindranath Samanta, J.)