

16.11.2021

CRM 5282 of 2021

Court No.28
Item No.76
(REJECTED)

Ab

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed on 06.08.2021 in connection with Dhantala Police Station case No. 271 of 2020 dated 14.07.2020 under Section 8 of the Protection of Children from Sexual Offences Act;
And

In the matter of : **Ganesh Biswas.**

...Petitioner.

**Mr. Debarshi Brahma,
Mr. Sagnik Mukherjee.**

...For the Petitioner.

**Mr. Tanmoy Kumar Ghosh,
Mr. Arindam Sen.**

... 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 Dhantala Police Station case No. 271 of 2020 dated 14.07.2020 under Section 8 of the Protection of Children from Sexual Offences Act.

Learned Advocate for the petitioner submits that the petitioner has been falsely implicated in connection with the aforementioned case and is languishing in jail for nearly 400 days. It is further submitted that out of enmity with the neighbour, he has been plotted by launching the instant case and, therefore, he is entitled to bail.

Learned Advocate for the State opposes the prayer for bail. It is submitted that the minor victim girl has vividly narrated the incident in her statement recorded under Section 161 and 164 of the Code of Criminal Procedure.

After hearing the respective Counsels and on perusal of materials on record including the statement of the minor victim girl,

who is aged about ten years, a slight variation in the statement recorded under Section 161 and 164 of the Code of Criminal Procedure cannot enure the benefit of the petitioner. The minor victim girl has narrated the incidents, which constitute an offence under Section 8 of the Protection of Children from Sexual Offences Act, we are not inclined to enlarge the petitioner on bail.

The application for bail being CRM 5282 of 2021 is, thus, ***rejected.***

However, we request the learned Judge, Special Court under the Protection of Children from Sexual Offences Act, to expedite the trial of the case.

(Harish Tandon, J)

(Rabindranath Samanta,J.)