

22.11.2021

CRM 6516 of 2021

Court No.28
Item No.11
(ALLOWED)

Ab

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed on 25.10.2021 in connection with Chinsurah Police Station Case No. 287 of 2021 dated 09.07.2021 under Sections 363/365/366 of the Indian Penal Code read with Sections 4/6 of the Prevention of Children from Sexual Offences Act and Sections 4/5/6 of the Immoral Trafficking (Prevention) Act (G.R. Case No. 1448 of 2021);

And

In the matter of : **Abdul Jisan Mollah.**

...Petitioner

**Mr. Sudip Ghosh Chowdhury,
Mr. Argha Das,
Mr. Abhishek Bose.**

...For the Petitioner.

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

... For the State

The 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 Chinsurah Police Station Case No. 287 of 2021 dated 09.07.2021 under Sections 363/365/366 of the Indian Penal Code read with Sections 4/6 of the Prevention of Children from Sexual Offences Act and Sections 4/5/6 of the Immoral Trafficking (Prevention) Act.

Learned Advocate for the petitioner submits that the petitioner, in fact, is a victim of circumstances having fallen deeply love with the minor victim girl and taken care of her. It is further submitted that the other co-accused have been enlarged on bail and, therefore, the petitioner is also entitled to be treated in a similar fashion.

Learned Advocate for the State opposes the prayer for bail. It is submitted that the minor victim girl discloses the role of the

petitioner and his involvement in the commission of offence.

After hearing the respective Counsels and on perusal of the materials on record including the statement of the minor victim girl, we do not find that the victim has disclosed any materials being the ingredients of the charging Sections. She reiterated the statement of the petitioner that she was deeply in love with the petitioner but has not disclosed any offence to have been committed by him. Furthermore, the charge-sheet has already been submitted.

We, thus, do not find that further custodial interrogation of the petitioner is required.

Accordingly, the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Hooghly, subject to the condition that the petitioner shall appear before the Trial Court on every date of hearing until further orders.

In the event the petitioner fails to do so without any justifiable cause, the Trial Court shall be at liberty to pass necessary order in accordance with law without any further reference to this Court.

The application for bail, being CRM 6516 of 2021, is thus **allowed.**

(Harish Tandon, J)

(Rabindranath Samanta, J.)