

18.11.2021

CRM 7406 of 2021

Court No.28
Item No.19
(REJECTED)

Ab

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed on 11.11.2021 in connection with Bhangore Police Station case No. 410 of 2020 dated 09.12.2020 under Sections 376(3)/506 of the Indian Penal Code read with Section 4 of the Protection of Children from Sexual Offences Act;
And

In the matter of : **Tanmoy Ghosh.**

...Petitioner.

**Mr. Ivan Roy,
Mr. Partha Sarathi Roy.**

...For the Petitioner.

**Ms. Zareen N. Khan,
Mr. M.F.A. Begg.**

... 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 Bhangore Police Station case No. 410 of 2020 dated 09.12.2020 under Sections 376(3)/506 of the Indian Penal Code read with Section 4 of the Protection of Children from Sexual Offences Act.

Learned Advocate for the petitioner submits that there was a love affair between the minor victim girl and the petitioner but the same could not last. The moment the petitioner marries another girl, the present case has been launched against him.

Learned Advocate for the State opposes the prayer for bail and submits that the minor victim girl has vividly narrated the incident

happened to her, which would be reflected in her statement recorded under Section 164 of the Code of Criminal Procedure. Learned Advocate for the State relies upon the medical report annexed to the case diary evincing the commission of offence against the minor victim girl.

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

A case was registered immediately on the next date of the incident and the minor victim girl has vividly disclosed the happening of the event, which is of serious in nature and constitute an offence under Section 4 of the Protection of Children from Sexual Offences Act.

The application for bail being CRM 7406 of 2021 is, thus, ***rejected.***

(Harish Tandon, J)

(Rabindranath Samanta,J.)