

16.06.2022

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rejected

C.R.M. (DB) 1209 of 2022

In Re:- An application for bail under Section 439 read with Section 439(1A) of the Code of Criminal Procedure in connection with Andal Police Station Case No. 295 of 2021 dated 18.10.2021 under Sections 376(2)(c)/376(3)/376DA of the Indian Penal Code and Section 6 of the POCSO Act.

And

In Re : Anirban Dhar @ Tatai @ Thathai & Anr. petitioners

Mr. Sekhar Kumar Basu, Sr. Adv.

Mr. Soubhik Mitter

Ms. Rajnandini Das

Mr. Karan Bapuli

... for the petitioners

Mr. Saibal Bapuli, learned APP

Mr. Arani Bhattacharyya

... for the State

Learned Counsel appearing for the petitioners submits that they are in custody for 168 days. There is inordinate delay in lodging F.I.R. The incident occurred in 2009 and F.I.R. came to be registered in 2021. Ossification report would show victim was around 18 years at the time of occurrence.

Learned Counsel appearing for the State opposes the prayer for bail and submits victim had been sexually exploited by her own father as well as the petitiners . She was in custody till recovery by Child Line Authorities.

We have considered the materials on record which disclose a sordid saga of a young girl being sexually exploited by her own father and his associates. Petitioners are known to the

father of the victim and had sexually exploited her. They had threatened the victim also.

In view of supervening control of the predator i.e. father of the minor in whose custody she remained till she was rescued. Victim was unable to come out with the aforesaid facts. Victim is presently in the protection home. These circumstances explain the delay in lodging the criminal case.

Under such circumstances, in view of gravity of the offence and the possibility of the victim being won over if the petitioners are released on bail, we are not inclined to grant bail to the petitioners at this stage.

The application for bail is, thus, rejected.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)