

02.02.2022
Item no.278
Court No.32
Avijit Mitra

C.R.M. 8002 of 2021 (Through video conference)

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with Ratua Police Station Case No.353 of 2019 dated 20.07.2019 under Sections 365/363/376/109 of the Indian Penal code read with Section 4 of Prevention of Children from Sexual Offences Act.

And

In Re : Ranjit Mondal

.... petitioner

Ms. Minoti Gomes

....for the petitioner

Ms. Zareen N. Khan,
Mr. Ashok Das

....for the State

Ms. Gomes, learned lawyer appearing for the present petitioner submitted that the petitioner and the victim girl had love affair as a result of which they eloped. There was no physical relationship between victim girl and the petitioner. On the same issue another criminal proceeding had been initiated in which the present petitioner was enlarged on bail. According to Ms. Gomes, the instant prosecution is falsely fabricated by the father of the victim girl only to harass the petitioner and accordingly, prayed for bail since the petitioner is in custody for about 140 days.

Per contra, learned lawyer appearing for the State Mr. Das submitted, that in the earlier case where bail was granted is different from the present one. There are strong incriminating

elements against the petitioner in the case diary, on the basis of which he opposes grant of bail.

We have perused the case diary and the bail order passed in the other case wherefrom we find that bail was granted by a Coordinate Bench of this Court on consideration that the victim did not submit herself for medical examination. Coming to the case in hand, we find consistent statement of the victim girl, recorded under Section 161 as well as 164 of the Code of Criminal Procedure where she alleged rape against the present petitioner. She subjected herself to medical examination report of which does not negate the allegation of rape. The victim girl consistently alleged against the present petitioner in statement recorded under Section 161 as well as 164 of the Code of Criminal Procedure that the petitioner ravished her. We have also noticed that the victim is a minor. Considering the seriousness of allegation, presence of incriminating elements against the present petitioner and *prima facie* complicity of the present petitioner in the alleged offence, we are not inclined to allow bail.

The application for bail being CRM No.8002 of 2021 is, dismissed.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)

