

01.03.2022

COURT : 01
ITEM : 13
MATTER : 439
STATUS : REJECTED
TRANSCRIBER : nandy

CIRCUIT BENCH OF CALCUTTA HIGH COURT AT JALPAIGURI

CRM (DB) 29 of 2022

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed on January 25, 2022 in connection with Sitai Police Station Case No. 151 of 2021 dated 20.09.2021 under Sections 363/365/109 of the Indian Penal Code read with Section 6 of the Protection of Children from Sexual Offences Act. (POCSO Case No. 27 of 2021)

And

In the matter of: **Ananda Debnath**

...Petitioner

Mr. Sudip Guha, Advocate

...for the Petitioner

Mr. Arun Sarkar, Advocate

Mr. Sourav Ganguly, Advocate

...for the State

The petitioner is seeking bail in connection with Sitai Police Station Case No. 151 of 2021 dated 20.09.2021 under Sections 363/365/109 of the Indian Penal Code read with Section 6 of the Protection of Children from Sexual Offences Act.

The learned Advocate for the petitioner submits that there was a love affair between his client and the victim girl who voluntarily left the house but the complaint was lodged by the parents of the victim girl making false allegation of kidnapping. Subsequently, after the girl went home she has been tutored by her parents to make a statement for constituting of an offence under Section 6 of the POCSO Act. The petitioner is in custody for nearly 120 days and chargesheet has already been submitted.

The State opposes the prayer for bail. It is submitted that the victim girl vividly narrated the incident of the said fateful day and, therefore, the petitioner is not entitled to be released on bail.

After hearing the respective submissions and on perusal of the materials in the case diary including the statement of the victim girl recorded under Section 164 of the Code of Criminal Procedure, it appears that the victim girl has disclosed the facts how the petitioner treated her. Even though the other co-accused has been enlarged on bail by the Special Court yet we find incriminating materials attributable to the conduct of the petitioner in the commission of an offence under Section 6 of the POCSO Act. Chargesheet has been filed but charges have not yet been framed. Therefore, we do not think that the petitioner should be released on bail at this stage.

Accordingly, the prayer for bail is **rejected**.

The application being **CRM (DB) 29 of 2022** is **dismissed** at this stage.

We, however, request the learned Judge, Special Court to take up the matter immediately for the purpose of framing charges and expedite the trial of the case at a requisite pace in commensurate with the mandate of the POCSO Act.

(Harish Tandon, J)

(Rabindranath Samanta, J)