

14.06.2023

Sl. 89

Court No. 29

Sourav

(Allowed)

C.R.M. (A) 2226 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Dhantala** Police Station Case No. **300** of **2023** dated **25.04.2023** under Sections **376/417/506** of the Indian Penal Code, 1860 read with Section **6** of the Protection of Children from Sexual Offences Act, 2012.

And

In the matter of: **Rajib Mondal @ Bolo**

....petitioner.

Mr. Jayanta Narayan Chatterjee
Mr. Apalak Basu
Mr. Nazir Ahmed

...for the petitioner.

Mr. Ranabir Roy Chowdhury
Mr. Mainak Gupta

...for the State.

1. Heard learned Counsel for the parties.
2. The petitioner is stated to be a boy aged about 16/17 years old and the victim girl is stated to be aged about 13/14 years old. Both are juvenile and minors in the eyes of law. There, however, happened a love affair between them and in course of such affair they kept physical relationship.
3. Taking into consideration the age of the victim girl, even if, there was consent, the same cannot be held to be valid consent. We are, however jinxed in a delicate situation to balance between criminality and vulnerability of the young boys and girls to fall in a situation of this type.
4. In such a case, we do not find anybody to blame. They could establish physical relationship because of the fact that the society and the family gave them that uncontrolled liberty to be united in isolation without inculcating in them sufficient

upbringing to say 'No' when such situation arises. In such a situation, the Court is to take a lenient view and lean in favour of the liberty of the accused especially when, the accused is a budding student, so far as bail is concerned.

5. It is fairly submitted at the Bar that the investigation has progressed substantially and the petitioner is not a threat either to the family of the victim or to the society.
6. Regard being had to such facts and submissions, factum of permanent residence of the petitioner, his tender age, possibility of reform in him, it is directed that the petitioner shall be released on bail in the event of his arrest by the Arresting Officer on such terms and conditions as deemed just and proper in the facts and circumstances of the case in Connection with Dhantala Police Station Case No. 300 of 2023 dated 25.04.2023 including the conditions that i) the petitioner shall visit and meet the appropriated authority of Belurmath, Howrah and said authority of the Math is requested to be pleased to inculcate bench mark values in the petitioner to be careful in life in future; ii) the petitioner shall visit the said Math beyond his study time and on holidays as per instruction of the Sannyasi under whom he is to be trained.
7. We are constrained to observe here that we are unnecessarily bothering a reputed Math established by Swami Vivekananda because the parents of the petitioner has failed in their duties and they should also go and visit such places instead of indulging themselves in unnecessary things in life.

8. Accordingly, the prayer for the anticipatory bail is allowed.
9. The application being **CRM (A) 2226 of 2023** is disposed of.
10. Department is directed to forward a copy of this order to the head of the Ramkrishna Mission, Belurmath, Howrah with a request letter on behalf of this Bench.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

