

C.R.M. 16 of 2019

Re : An application for bail under section 439 of the Code of Criminal Procedure, 1973.

In re : Haider Ali..... Petitioner

Mr. Kallal Ghosh.....for the petitioner

Mr. Aditi Shankar Chakraborty

Mr. Saikat Chatterjee.... ... for the State

The petitioner seeks bail in connection with New Jalpaiguri Police Station F.I.R. No. 51 of 2019 dated 20.01.2019 registered on the basis of a complaint of a 15 year old girl. The F.I.R. was registered under sections 323/326 of the Indian Penal Code read with Section 4 of the Protection of Children from Sexual Offences Act, 2012 (hereafter POCSO Act).

The accused-petitioner is a 20 year old person. He is in custody for 53 days. The investigating officer upon completion of investigation has submitted police report (charge-sheet) under section 173 (2) of the Code of Criminal Procedure, 1973 (hereafter 'Cr.P.C.') under sections 341/323 of the Indian Penal Code read with section 4 of POCSO Act.

We have heard the learned advocates for the parties and perused the materials in the case diary, produced by Mr. Chakraborty, learned advocate for the State.

On perusal of the F.I.R., the statement of the victim recorded under section 164 of the Cr.P.C. as well as the medical

report, we are of the considered opinion that this is not a fit and proper case for making a direction, as prayed for.

Accordingly, C.R.M.16 of 2019 is rejected.

(SHIVAKANT PRASAD, J.)

(DIPANKAR DATTA, J.)