

09 16.4.2019
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CIRCUIT BENCH OF
CALCUTTA HIGH COURT
AT JALPAIGURI
APPELLATE SIDE

C.R.M. 112 of 2019

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on 02/4/2019 in connection with Kumargram P.S. Case No.223 of 2018 dated 27/12/2018 under Section 4 of the Protection of Children from Sexual Offences Act, 2012.

And

In the matter of: Litan Debnath @ Liton Debnath

....petitioner.

Ms. Madhushri Dutta Majumdar

...for the petitioner.

Mr. A.S. Chakraborty

Mr. Ujjal Luckom

...for the State.

The petitioner seeks bail in connection with Kumargram P.S. Case No.223 of 2018 dated 27/12/2018 under Section 4 of the Protection of Children from Sexual Offences Act, 2012.

The petitioner claims that the complaint has been brought by design and several weeks after the date of the alleged incident.

The State relies on the statement of the victim recorded under Section 164 of the Code. The victim's accusation is clear and it does not appear to be tutored or laboured. As to the delay, it is evident that the victim felt threatened by the petitioner. There is a hint to such effect even in the statement recorded under Section 164 of the Code.

Considering the tender age of the victim and the conduct of the petitioner, particularly since the allegation has been corroborated by the medical examination conducted on the victim, it may not be prudent to allow the petitioner to be at large and prey on other victims.

C.R.M. 112 of 2019 is rejected.

(Sanjib Banerjee, J.)

(Suvra Ghosh, J.)

