

21.06.2019.  
Item No.14  
(Rejected)  
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**CALCUTTA HIGH COURT**  
**IN THE CIRCUIT BENCH AT JALPAIGURI**

**C.R.M. 345 of 2019**

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed on 23.04.2019 in connection with Sessions Trial No. 16(03) of 2019 corresponding to POCSO Case No. 223 of 2018 arising out of Ghoksadanga Police Station Case No. 208 of 20118 dated 19.11.2018 under Section 6 of the Protection of Children from Sexual Offences Act;

And

In the matter of : Pabitra Adhikari.

... petitioner.

Mr. Sabir Ahmed,  
Mr. Arnab Saha.

...For the petitioner.

Mr. Ujjwal Luksom,  
Mr. Sagnik Sankar Sikdar.

...For the State.

The erstwhile Investigating Officer is personally present in Court today in compliance with the order dated 19<sup>th</sup> June 2019. However, the Officer in-Charge of the concerned police station is absent.

The learned Advocate for the State submits that he could not communicate the order dated 19<sup>th</sup> June 2019 to the Officer in-Charge of the said police station and shoulders the responsibility of such mistake. However, the case diary, which contains the medical report, is produced by him.

According to the learned Advocate for the petitioner, there is a contradiction in the statement of the victim girl recorded under Section 164 of the Code of Criminal Procedure

and her grandfather and, therefore, the allegation made against the petitioner is untrue. It is further submitted that the medical report does not suggest that the rape was committed and, therefore, the petitioner should be enlarged on bail.

After perusing the medical report, the statement of the victim girl recorded under Section 164 of the Code of Criminal Procedure and of Hiten Barman under Section 164 of the Code of Criminal Procedure, we do not find that it is a fit case where the petitioner should be enlarged on bail.

The prayer for bail of the petitioner is, thus, rejected.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance with all requisite formalities.

**(Hiranmay Bhattacharyya, J.)**

**(Harish Tandon, J.)**