

20.10.2020

CRM 8004 of 2020

COURT NO. 08
ITEM NO. 15
SNANDY

(BAIL - REJECTED)

In Re:- An application for bail under Section **439** of the Code of Criminal Procedure filed on 06.10.2020 in connection with Jalpaiguri Women Police Station Case No. 120 of 2019 dated 23.09.2019 under Sections 4 of the Protection of Children from Sexual Offences Act read with Sections 305/34 of the Indian Penal Code.

And

In the matter of : **Shibu Roy**

...Petitioner

Mr. Anirban Banerjee, Advocate

...for the Petitioner

Mr. Aditi Shankar Chakraborty, Ld. Addl. Public Prosecutor

...for the State

Petitioner undertakes to affirm and stamp the petition/application as per Rules within one month from date. Subject to such undertaking, the application is taken up for hearing.

Learned Advocate of the petitioner submits that there was a love affair with the victim girl and in fact, the families decided to perform the marriage after attainment of majority. It is further submitted that the victim girl was molested by two persons on the road and that led to the commission of suicide by her. It is submitted that the petitioner is in custody for about 11 months and chargesheet has also been filed and, therefore, the petitioner should be released on bail.

The learned Advocate for the State opposes the prayer for bail. It is submitted that the victim committed suicide as the petitioner refused to marry her after establishing physical relationship. It is further submitted by the learned Additional Public Prosecutor, on instruction received from the Investigating Officer, the aforesaid statement is advanced on the basis of the memo of evidence forwarded to him by the Officer-in-charge, Jalpaiguri Women Police Station. It is thus submitted that there was a direct involvement of the petitioner leading to commission of suicidal as would be evident from the suicide note left by the victim.

Considering the submissions so advanced by the respective counsel and the gravity of the offence and the fact that the suicidal note bears the complicity of the petitioner to the alleged offence, we do

not feel that it is a fit case where the petitioner should be released on bail.

Prayer for bail is thus **rejected**.

The application being **CRM 8004 of 2020** is **dismissed**.

(Ravi Krishan Kapur, J)

(Harish Tandon, J)