

17.02.2020

Court No.01
Item No. 11
(Disposed of)

akd

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT
JALPAIGURI**

CRM 85 of 2020

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed on 13.01.2020 in connection with Sahebganj Police Station Case No. 403 of 2019 dated 12.08.2019 under Sections 4/17 of the Protection of Children from Sexual Offences Act, 2012.

And

In the matter of : **Jaynuddin Sekh**

.....Petitioner

Mr. Sudip Guha.

....For the Petitioner

**Mr. Nilay Chakraborty,
Mr. Sagnick Sarkar Sikdas.**

.....For the State

This is an application for bail under section 439 of the Code of Criminal Procedure filed in connection with Sahebganj Police Station Case No. 403 of 2019 dated 12.08.2019 under Sections 4/17 of the Protection of Children from Sexual Offences Act, 2012.

We have heard learned Counsel for the petitioner and learned Counsel for the prosecution.

We have considered the materials in the case diary including the statement of the victim girl (15 years old as on the date of incident) recorded under Section 164 of the Code of Criminal Procedure and the medical examination report of the accused person as regards his potency. The report states that no physical or other abnormalities were detected in him, which could lead one to say that he was not potent.

Learned Counsel for the petitioner submits that the co-

accused has been granted bail by the learned Court below. According to him, the co-accused is the principal accused person and since he has been granted bail, the present petitioner should be granted bail, also in view of the fact that the petitioner is 72 years old.

Learned Counsel for the prosecution disputes the submissions made by the petitioner's learned Counsel and submits that the petitioner is the principal accused person and the other co-accused person was arraigned as an accused only as abettor.

Having considered the materials on record and the nature and gravity of the alleged offence and having considered the totality of the facts and circumstances of the case, we are not inclined to grant bail to the petitioner at this stage.

However, we request the learned Trial Court to expedite the trial as far as possible and bring the criminal proceeding to its logical conclusion as soon as possible and preferably within a period of one year from date.

The application for bail, being CRM 85 of 2020, is, thus, disposed of.

(Abhijit Gangopadhyay, J)

(Arijit Banerjee, J)