

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

21.09.2021

Court No.01
rpan / **28**

C.R.M. 71 of 2021

In Re:- An application for anticipatory bail under section 438
of the Code of Criminal Procedure;

and

In Re : **Bimal Das @ Bimal Kumar Das**
....Petitioner.

Mr. Hillol Saha Podder
... for the petitioner.

Mr. Nilay Chakraborty,
Mr. Biswarup Roy
... for the State.

Apprehending arrest in connection with Mathabhanga Police
Station Case No.331 of 2020 dated 29.08.2020 under Section 10
of the Protection of Children from Sexual Offences Act, 2012, the
petitioner has filed the present application.

The learned advocate appearing for the petitioner submits
that the petitioner has been falsely implicated. No overt act has
been attributed to the petitioner. Upon completion of
investigation, charge-sheet has also been submitted and as such,
custodial interrogation of the petitioner is not warranted in the
facts and circumstances case. He further submits that a co-
accused person against whom overt acts were alleged, had been
granted bail by the learned court below.

The Learned advocate appearing for the State opposes the
petitioner's prayer and draws our attention to the statement of the
victim girl, as recorded under Section 164 of the Code and the
medical report.

Having heard the learned advocates and considering the materials in the case diary, including the statement of the victim girl, recorded under Section 164 of the Code, the gravity of the offence and the extent of complicity of the petitioner in the alleged offence, we are not inclined to exercise any discretion in favour of the petitioner. As such, his prayer for bail is refused.

Accordingly, the application for anticipatory bail, being CRM 71 of 2021, is dismissed.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Abhijit Gangopadhyay, J.) (Tapabrata Chakraborty, J.)