

**Calcutta High Court  
In The Circuit Bench at Jalpaiguri**

**CRM 156 of 2021**

In Re : An application for bail under Section 439 of the Code of Criminal Procedure, 1973 filed on 19.11.2020 in connection with Jalpaiguri Kotwali Police Station Case No.814 of 2018 dated 29.11.2018 under Sections 365/323/34 of the Indian Penal Code, 1860 and Section 4 of the Protection of Children from Sexual Offences Act, 2012.

And

In Re : Unish Ali @ Unichh Ali

... petitioner.

Mr. Hillol Saha Podder

... for the petitioner.

Ms. Aditi Shankar Chakraborty,  
Mr. Sagnik Sankar Sikdar

... for the State.

In view of the concerned Officer being present in court personally, as per previous direction of court, and having given sufficient explanation to the effect that he had retired at the relevant point of time when the directions were given, the personal appearance of the erstwhile Investigating Officer, since retired, is dispensed with. On the basis of the allegations made, it is evident that an examination of the victim girl and a report to that effect is necessary to appreciate the gravity of the offence and its veracity, even *prima facie*.

It would be imprudent to grant bail to the petitioner prior to that.

Accordingly, CRM 156 of 2021 is disposed of by refusing the prayer for bail at this stage and directing the trial court to issue summons to the victim girl as witness for the purpose of her examination as expeditiously as possible, positively within a fortnight from the date of communication of this order to the said court.

It is made clear that the merits of the bail application have not been gone into by us, so as not to prejudice the right of the petitioner to apply for bail subsequently upon examination of the victim.

**(Sabyasachi Bhattacharyya, J.)**

**(Kausik Chanda, J.)**