

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

20.09.2021
Court No.01
Item No.74
Avijit Mitra

**CRM 275 of 2021
(Via video Conference)**

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

And

In Re: Fulesh Roy @ Fuleswar Roy

...Petitioner

Mr. Sudip Guha

...For the Petitioners

Mr. Abhijit Sarkar,

Mr. Sagnik Sankar Sikdar

...For the State

Apprehending arrest in connection with Kuchlibari Police
Station Case No.60 of 2020 dated 29.09.2020 under section 8 of
the Protection of Children from Sexual Offences Act Indian Penal
Code the present application has been preferred.

Mr. Guha, learned advocate appearing for the petitioner
submits that there is a land dispute between the parties and the
petitioner has been falsely implicated. The allegations levelled are
unfounded and in the said conspectus, custodial interrogation of
the petitioner is not necessary.

Mr. Sarkar, learned advocate appearing for the State opposes
the petitioner's prayer and draws our attention to the injury report
and the statement of the victim girl as recorded under Section 164
of the Code of Criminal Procedure.

Having heard the learned advocates appearing for the
respective parties and considering the materials in the case diary
including the statement of the victim girl as recorded under Section
164 of the Code, the nature of allegations and the extent of

complicity of the petitioner in the alleged offence, we are not inclined to exercise any discretion in his favour.

Accordingly, the application being C.R.M. No.275 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.)