

01.07.2021

Court No.28
Item No.11
(REJECTED)

Saswata
&
ab

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

(Via Video Conference)

CRM 658 of 2021

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with Matelli Police Station Case No. 35 of 2021, dated 19.03.2021 under Section 376 of the Indian Penal Code (G.R.Case no. 1257 of 2021).

And

In the matter of : **Krishna Chhetri**

...Petitioner

Ms. Madhushri Dutta.

...For the Petitioner

Ms. Aditi Sankar Chattopadhyay, Ld. APP

Mr. Sagnik Sankar Sikdar.

...For the State.

The Advocate-on-record of the petitioner undertakes to affirm and stamp the petition/application as per the Rules within four weeks from date. Subject to such undertaking, the application is taken up for hearing.

According to the petitioner, he is already in custody for more than 100 days and no further custodial interrogation is required, as the charge-sheet has already been submitted. He, thus, prays for bail.

The learned Advocate for the State opposes the prayer for bail. According to him, the statement of the victim girl recorded under Section 164 of the Code of Criminal Procedure corroborating the incident, discloses the element of rape having committed upon her and, thus, the application deserves to be dismissed.

After hearing the respective counsels and on perusal of the statement of the victim girl recorded under Section 164 of the Code of Criminal Procedure, we do not think that this is a fit case where the

petitioner should be granted bail.

CRM 658 of 2021 is rejected accordingly.

(Harish Tandon, J.)

(Subhasis Dasgupta, J.)