

05.08.2021

Court No.28
Item No. JB-02
nandy

(BAIL – REJECTED)

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

(Via Video Conference)

CRM 704 of 2021

In Re:- An application for **Bail** under Section **439** of the Code of Criminal Procedure filed on 02.07.2021 in connection with Rajganj Police Station Case No. 435 of 2019 dated 31.12.2019 under Sections 376AB/506/109 of the Indian Penal Code read with Section 4 of the Protection of Children from Sexual Offences Act. (Sessions (POCSO) Case No. 03 of 2020)

and

In the matter of: **Naimul Haque @ Ali @ Naimul Islam**

.....Petitioner

Mr. Jaydeep Kanta Bhowmik, Advocate

.....for the Petitioner

Mr. Aditi Sankar Chakraborty, learned A.P.P.

Mr. Aniruddha Biswas, Advocate

.....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.

The petitioner has filed the instant application for bail in connection with Rajganj Police Station Case No. 435 of 2019 dated 31.12.2019 under Sections 376AB/506/109 of the Indian Penal Code read with Section 4 of the Protection of Children from Sexual Offences Act.

This is a renewal of prayer for bail at the behest of the petitioner solely on the ground that the minor victim girl has attained majority and the parties have decided to marry together. This is what has been projected as changed circumstances for the purpose of bail. The earlier application being CRM 6650 of 2020

was rejected on September 16, 2020 after having considered the serious nature of the offence committed on a minor; even after filing of the chargesheet.

Simply because the fact that after attaining majority the parties have decided to marry, does not bring any changed circumstance warranting a different decision than what had already been taken on earlier occasion. We thus do not find any changed circumstance between the interregnum period from the rejection of the first application for bail and filing of the instant application.

As such, the prayer for bail is **rejected**.

The application being **CRM 704 of 2021** is accordingly **dismissed**.

However, we request the trial Court to expedite the trial of the case.

(Harish Tandon, J.)

(Bibek Chaudhuri, J.)