

29.07.2021

Court No.28
Item No.11
(Rejected)

Akd
&
As

CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT
JALPAIGURI

CRM 705 of 2021
(Via Video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Sitalkuchi Station Case No. 167 of 2020, dated 01.11.2020 under Sections 363/365 of the Indian Penal Code and adding Section 6 of the Protection of Children from Sexual Offences Act, 2012;

And

In the matter of : **Sahin Mia**

...Petitioner

Ms. Arpita Saha,
Mr. Hillol Saha Poddar.

...For the Petitioner

Mr. Arijit Sarkar,
Ms. Namrata Das.

...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 under Section 439 of the Code of Criminal Procedure after being arrested in connection with Sitalkuchi Station Case No. 167 of 2020 under Sections 363/365 of the Indian Penal Code and adding Section 6 of the Protection of Children from Sexual Offences Act, 2012.

The minor victim girl alleged kidnapping and rape by three persons including the petitioner in her statement recorded under Sections 161 and 164 of the Code of Criminal Procedure. The petitioner says that he is the victim of circumstances and has been falsely implicated in connection with the instant case.

After perusing the statements of the minor victim girl as indicated above, prima facie, we find complicity of the petitioner to the alleged offence and even after the charge sheet has been filed, we do not think that the petitioner is entitled to be enlarged on bail.

Accordingly, the prayer for bail is rejected.

The application for bail, being CRM 705 of 2021, is thus **dismissed.**

(Harish Tandon, J)

(Bibek Chaudhuri,J.)