

30.09.2021

Court No.01
rpan / **18**

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

C.R.M. 774 of 2021

In Re:- An application for bail under section 439 of the Code of Criminal Procedure;

And

In Re : **Manab Roy**

...Petitioner.

Mr. Jaydeep Kanta Bhowmik

... for the petitioner.

Mr. Aditi Shankar Chakraborty, Ld. APP,

Mr. Biswarup Roy

...for the State.

The present application for bail under section 439 of the Code of Criminal Procedure in connection with Maynaguri Police Station Case No.202 of 2021 dated 26.04.2021 under Section 376D of the Indian Penal Code read with Section 6 of the Protection of Children from Sexual Offences Act, 2012 has been filed by the petitioner.

Mr. Bhowmik, learned advocate appearing for the petitioner strenuously argues that the petitioner has been falsely implicated in the alleged offence. The allegations levelled against the petitioner are absolutely unfounded. The medical report does not support the prosecution case. The principal accused, who is a juvenile, had already been enlarged on bail. Upon completion of investigation, charge-sheet has also been submitted but there is no possibility towards conclusion of the trial in the near future. The petitioner had already suffered incarceration for a period of

156 days. In the said conspectus, the petitioner may be granted bail on any stringent condition.

Mr. Bhowmik, in support of his argument, has placed reliance upon the orders passed by the co-ordinate Benches of this Court in CRM 3676 of 2020 and CRM 6100 of 2020.

Mr. Roy, learned advocate appearing for the State opposes the petitioner's prayer and submits that the petitioner was a member of the group, who in furtherance of common intention had ravished the victim girl, who was about 14 years of age on the date of the alleged incident. Considering the heinous nature of offence, no leniency needs to be shown to the petitioner.

We have heard the learned advocates appearing for the respective parties and perused the orders upon which reliance has been placed on behalf of the petitioner. In our opinion, the said orders are distinguishable on facts. *Prima facie*, the petitioner's culpability is explicit from the records. Considering the gravity of the offence and as abscondance of the petitioner, once granted bail, cannot to be totally ruled out, we are not inclined to exercise any discretion in his favour. As such, his prayer for bail is refused at this stage.

Accordingly, the application for bail, being CRM 774 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.)