

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

29.09.2021
Court No.01
Item No.36
Avijit Mitra

**CRM 813 of 2021
Through Video Conference**

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

In Re : Pankaj Barman

..... petitioner

Mr. Sabir Ahmed,
Mr. Hillol Saha Podder

..... for the petitioner

Mr. Abhijit Sarkar,
Mr. B. Roy

..... for the State

The present application has been preferred in connection with Falakata Police Station Case No.13 of 2021 dated 15.01.2021 under Section 376(2)(1) of the Indian Penal Code and Section 6 of the Protection of Children from Sexual Offences Act, 2012.

Mr. Ahmed, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated as would be explicit from the contradictory statements of the victim girl, as recorded under Section 164 of the Code first, on 16th January, 2021 and thereafter on 18th February, 2021. He further submits that the petitioner had already suffered long incarceration for about 300 days and there is also no possibility towards conclusion of the trial in the near future. In the said conspectus, the petitioner may be enlarged on bail on any stringent condition.

Mr. Sarkar, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statement of the brother of the victim girl, as recorded under Section 164 of the Code and the medical examination report. He further submits that trial has commenced and one witness has already been examined.

We have heard the learned advocates appearing for the respective parties and considered the materials in the case diary. *Prima facie*, the petitioner's culpability is explicit from materials on record. The victim is a handicapped girl. Considering the gravity of the offence and the extent of complicity of the petitioner in the alleged offence, we are not inclined to exercise any discretion in favour of the petitioner and as such, his prayer for bail is refused, at this stage.

The application for bail being CRM 813 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.)