

07. 23.08.2021

Ct.32

Tanmoy

Rejected

**In The High Court at Calcutta
Circuit Bench at Jalpaiguri
Appellate Side**

(Through Video Conference)

C.R.M. 833 of 2021

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Maynaguri Police Station Case No. 87 of 2021** dated **23/02/2021** under Section **4** of the POCSO Act. (POCSO Case No. **17 of 2021**). Charge-sheet No.78 of 2021 dated 26/03/2021.

And

In the matter of: - **Dipak Roy**

...petitioner.

Mr. Anirban Banerjee

...for the petitioner.

Mr. Aditi Shankar Chakraborty, Ld. A.P.P.,
Mr. Tapan Bhattacharya

...for the State (through V.C.).

The petitioner has been charged under Section 4 of the Protection of Children from Sexual Offences Act, 2012. The age of the victim girl at the time of the alleged incident was 16 years. She has recorded her statement under Section 164 of the Code of Criminal Procedure.

Considering the facts and circumstances of the case, a co-ordinate Bench of this Court rejected the petitioner's prayer for bail by an order dated June 15, 2021 passed in C.R.M. 619 of 2021.

The petitioner says that since the last rejection, charge-sheet has been filed. Hence, he should be granted bail.

We have also considered the statements recorded under Section 164 of the Code of Criminal Procedure including the victim girl's statement. Although, charge-sheet has been filed, in view of the gravity of the offence and the *prima facie* incriminating material against the petitioner as also in view of recent rejection of the petitioner's prayer for bail, after which there has been no significant change in circumstances, the petitioner's prayer for bail is rejected at this stage.

Accordingly, the application for bail being C.R.M. 833 of 2021 is **dismissed**.

All parties shall act in terms of server copy of this order downloaded from the official website of this Court.

(Suvra Ghosh, J.)

(Arijit Banerjee, J.)