

24.08.2021

court no. : 28
Item no. : JCB - 11
matter : 439
status : REJECTED
transcriber : nandy

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

(Via Video Conference)

CRM 866 of 2021

In Re:- An application for **Bail** under Section **439** of the Code of Criminal Procedure filed on 13.08.2021 in connection with Falakata Police Station Case No. 642 of 2019 dated 04.11.2019 under Section 305/34 of the Indian Penal Code read with Section 6/17 of the Protection of Children from Sexual Offences Act. (Special Case No. 108 of 2019)

and

In the matter of: **Chiranjit Roy**

.....Petitioner

Mr. Kalipada Das, Advocate

.....for the Petitioner

Mr. Kallol Acharjee, Advocate

Mr. Tapan Bhattacharya, 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 Falakata Police Station Case No. 642 of 2019 dated 04.11.2019 under Section 305/34 of the Indian Penal Code read with Section 6/17 of the Protection of Children from Sexual Offences Act.

Learned Advocate for the petitioner submits that there was love affair between the petitioner and the minor victim girl aged about 17 years 10 months and the relation was not accepted by the family of the girl which led her to commit suicide by consuming poison. There is no dying declaration nor any suicide note left by

the victim girl and the petitioner is languishing in jail unnecessarily since March 12, 2020.

The State opposes the prayer for bail and submits that serious allegation has been made against the petitioner and his complicity to the commission of rape cannot be ruled out. It is further submitted that the earlier application for bail filed by the petitioner got rejected by this Court and, therefore, no leniency can be shown to him.

After hearing the respective submissions and on perusal of the material available from the case diary and the fact that the earlier application for bail was rejected on August 14, 2021 after filing of chargesheet, we do not find any charged circumstances warranting a different decision to be taken in the instant application.

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

The application being **CRM 866 of 2021** is accordingly **dismissed**.

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

(Harish Tandon, J.)

(Md. Nizamuddin, J.)