

02.09.2021
Item no.10.
Court No.32.
AB
(Rejected)

**In the High Court at Calcutta
Circuit Bench at Jalpaiguri
(Via Video Conference)**

CRM No.887 of 2021

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure in connection with Dhupguri Police Station Case No.47 of 2021 dated 29.1.2021 under Sections 363/365 of the Indian Penal Code read with Section 6 of the POCSO Act

And

In the matter of : Bimal Roy @ Nepal

.....Petitioner.

Mr. Debajit Kundufor the Petitioner.

Mr. Nilay Chakraborty,
Mr. Sagnik Senfor the State.

The allegation against the petitioner is that the petitioner, about 27 years old, kidnapped the victim girl, about 16 years old. Thereafter, he forcibly married the victim girl and kept her in confinement. He used to torture the girl. He did not allow her to get in touch with anybody. Ultimately, the girl could be recovered.

The petitioner says that he has been falsely implicated. There was a love affair between the victim girl and the petitioner and the girl on her own went with the petitioner. They have got married.

We have seen the statement of the victim girl recorded under Section 164 of the Code of Criminal Procedure. She fully

corroborates the prosecution case that she was kidnapped and kept in confinement and was sexually exploited. Prima facie, the medical report also corroborates the prosecution case and the statement of the victim girl. The victim girl appears to be pregnant.

In view of the seriousness of the charges against the petitioner, although charge sheet may have been submitted and the petitioner may have been in custody for about 165 days, and also in view of the prima facie material against the petitioner, we are not inclined to allow the petitioner's prayer for bail, at this stage.

C.R.M. No.887 of 2021 is, accordingly, dismissed.

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

(Bivas Pattanayak, J.)

(Arijit Banerjee, J.)