

21.09.2021
Court No.01
Item No.19
Avijit Mitra

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

**CRM 925 of 2021
(Via video Conference)**

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

And

In Re: **Paban @ Babanta Adhikary**

...Petitioner

Ms. Jeenia Rudra

...For the Petitioner

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

Mr. Sagnik Sankar Sikdar

...For the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with New Jalpaiguri Police Station Case No.440 of 2021 dated 12.05.2021 under Sections 341/323/354 of the Indian Penal Code read with Section 6 of the Protection of Children from Sexual Offences Act, 2012 subsequently added Sections 365/366A/323/354 of the Indian Penal Code read with Sections 6/8 of the Protection of Children from Sexual Offences Act, 2012.

Ms. Rudra, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. The allegations levelled against him are unfounded. Upon completion of investigation chargesheet has also been submitted and as such further detention of the petitioner, who is in custody for about 123 days is not necessary.

Learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statement of the victim girl as recorded under Section 164 of the Code and the medical report.

Having heard the learned advocates for the parties and considering the materials in the case diary including the medical report and the statement of the victim girl as recorded under Section 164 of the Code, the gravity of the offence and the extent of the complicity of the petitioner in the alleged offence, we are not inclined to exercise any discretion in his favour and as such, his prayer for bail is rejected at this stage.

Accordingly, the application for bail being C.R.M. No.925 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.)