

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

29.09.2021

Court No.01
rpan / **42**

C.R.M. 959 of 2021

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

And

In Re : **Krishna Chhetri**

...Petitioner.

Ms. Madhushri Dutta

....for the petitioner.

Mr. Nilay Chakraborty,

Mr. Tapan Bhattacharjee

....for the State.

The present application for bail under section 439 of the Code of Criminal Procedure in connection with Matelli Police Station Case No.35 of 2021 dated 19.03.2021 under Section 376 of the Indian Penal Code has been filed by the petitioner.

Ms. Dutta, learned advocate appearing for the petitioner, submits that the victim lady willingly left her residence and accompanied the petitioner. The allegations levelled against him are absolutely unfounded. There is no possibility towards early conclusion of the trial and the petitioner is languishing in custody for more than 190 days.

Mr. Chakraborty, 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 and considering the statement of the victim girl, as recorded under Section 164 of the

Code, the gravity of the offence and the extent of complicity of the petitioner, 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.

Accordingly, the application for bail, being CRM 959 of 2021 is rejected.

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.)