

21.09.2021
Court No.01
Item No.26
Avijit Mitra

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

**CRM 967 of 2021
(Via video Conference)**

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

And

In Re: Raju Das

...Petitioner

Mr. Sabir Ahmed,
Mr. Hillol Saha Podder

...For the Petitioner

Mr. Arun Kumar Sarkar,
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 Cooch Behar Women Police Station Case No.52 of 2021 dated 15.05.2021 under Section 4 of the Protection of Children from Sexual Offences Act.

Mr. Ahmed, learned advocate appearing for the petitioner submits that there was a love-relationship between the petitioner and the victim girl. After leaving her house she was willing to reside with the petitioner in a rented house. The father of the victim girl had lodged a false complaint solely with the intent to heckle and harass the petitioner, who is a young boy of 23 years. Upon completion of investigation chargesheet has also been submitted and in view thereof, further detention of the petitioner, who is in custody for 135 days, is not warranted in the facts and circumstances of the present case.

Mr. Sarkar, 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.

Having heard the learned advocates for the parties and considering the materials in the case diary particularly the medical report and also considering the gravity of the offence and extent of 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 refused at this stage.

Accordingly, the application for bail being C.R.M. No.967 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.)