

30.09.2021

Court No.01
rpan / **25**

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

C.R.M. 977 of 2021

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

And

In Re : **Gopal Mandal @ Kana**
...Petitioner.

Mr. Sayan De (through v.c.),
Mr. Sampad Das,
Mr. K. Shome,
Mr. Kanjilal Sayan,
Ms. Esha Acharya
... for the petitioner.

Mr. Aditi Shankar Chakraborty, Ld. APP,
Mr. Biswarup Roy
...for the State.

The present application for bail under section 439 of the Code of Criminal Procedure in connection with NJP Police Station Case No.1252 of 2020 dated 19.10.2020 under Section 6 of the Protection of Children from Sexual Offences Act, 2012 has been filed by the petitioner.

Mr. De, learned advocate appearing for the petitioner submits that the petitioner is languishing in custody for more than 337 days and there is no possibility towards early conclusion of the trial. Considering the prevailing pandemic situation and the nature of accusations, the petitioner may be enlarged on bail on any stringent condition.

Mr. Roy, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statement of

the victim girl, who was about 5 years of age at the time of the alleged incident, as recorded under Section 164 of the Code.

Answering a query of this Court, he submits that the petitioner herein was about 55 years on the date of the alleged incident and that there had been no change in the circumstances after the petitioner's prayer was earlier rejected on 20th April, 2020.

We have heard the learned advocates and considered the materials on record, including the statement of the victim girl, as recorded under Section 164 of the Code. Considering the gravity of the offence and as there had been no substantial change in the facts and circumstances due to any subsequent event after the petitioner's prayer for bail was last rejected, we are not inclined to exercise any discretion in favour of the petitioner. As such, his prayer for bail is refused at this stage.

Accordingly, the application for bail, being CRM 977 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.)