

25.11.2021

Item No.38

Ct.No.1

dc./gsd

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI**

C.R.M. 1061 of 2021

(Via Video Conference)

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure filed in connection with POCSO Case No. 58 of 2021 arising out of Bagdogra P.S. Case No. 446 of 2021 dated 6.9.2021 under Section 4 of the POCSO Act, 2012.

And

In the matter of : **Mithun Singha**

... Petitioner.

Ms. Suman Sehanabis (Mandal)

... for the petitioner

Mr. Saikat Chatterjee

Mr. Aniruddha Biswas

... For the State.

Learned Advocate for the petitioner submits that the petitioner is in custody for a substantial period of time and the defacto-complainant has falsely implicated the present petitioner which do not warrant further detention.

Learned Advocate for the State draws the attention of this Court to the statement of the victim recorded under Section 164 of the CrPC as well as the medical report.

Having regard to the stage of the case and the incriminating materials appearing, prima facie, we are of the

view that the petitioner is not entitled to be released on bail.

Therefore, the prayer for bail is rejected.

The petitioner is granted liberty to renew his prayer for bail after the evidence of the victim has been recorded by the learned trial court under Section 35 of the POCSO Act.

With the aforesaid observations, CRM 1061 of 2021 is **dismissed.**

All parties shall act on the server copy of this order, duly obtained from the official website of the Hon'ble High Court Calcutta.

Urgent Xerox certified copy of this order, if applied for, be supplied to the parties, subject to compliance with all requisite formalities.

(Tirthankar Ghosh, J.)

(Subrata Talukdar, J.)