

Circuit Bench of Calcutta High Court At Jalpaiguri
CRM (DB) 13 of 2022

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Bhaktinagar Police Station** Case No. **973 of 2020** dated **04.11.2020** under Section **6** of the POCSO Act.

- A n d -

In the matter of : Debashish Roy @ Debasish Roy

.... Petitioner.

Mr. S. Dutta,

... For the Petitioner.

Mr. A. Kr. Sarkar,
Mr. S. S. Sikdar,

... For the State.

The allegation is that the petitioner sexually exploited the six years old victim girl. The petitioner appears to be the maternal uncle of the girl.

The petitioner says that he has been framed. There are disputes between the petitioner and the victim's father and a false complaint has been lodged.

We see from the records that the alleged incident was of November 4, 2020. The petitioner was absconding and surrendered only on September 24, 2021. In the meantime, charge sheet was submitted on January 3, 2021.

The State opposes the prayer for bail.

On an overall assessment of the facts and circumstances of the case, the statement of the victim girl recorded under Section 164 of the Code of Criminal Procedure and the conduct of the

petitioner, we are not inclined to allow the petitioner's prayer for bail at this stage.

The application for bail is, thus, dismissed.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Aniruddha Roy, J.)

(Arijit Banerjee, J.)