

28.02.2022

COURT : 01
ITEM : 30
MATTER : 439
STATUS : REJECTED
TRANSCRIBER : nandy

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

CRM (DB) 24 of 2022

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed on January 14, 2022 in connection with Jalpaiguri Women Police Station Case No. 440 of 2031 dated 12.05.2021 under Sections 341/323/354 of the Indian Penal Code read with Sections 6/8 of the Protection of Children from Sexual Offences Act. (Sessions Case No. 115 of 2019)

And

In the matter of : **Paban @ Babanta Adhikary**

...Petitioner

Mr. Anirban Banerjee, Advocate

Ms. Jeenia Rudra, Advocate

...for the Petitioner

Mr. Kallol Acharjee, Advocate

Ms. Namrata Das, Advocate

...for the State

This is the second round of litigation at the behest of the petitioner before this Court. The earlier application for bail being CRM 925 of 2021 was rejected by this Court on September 21, 2021. It is submitted that despite chargesheet having submitted no progress has been shown in the trial of the case and, therefore, the petitioner should be granted bail.

The learned Advocate for the State opposes the prayer for bail and submits that the minor victim girl has vividly narrated the unfortunate incident in her statement under Section 164 of the Code of Criminal Procedure.

After hearing the respective Counsel and perusing the material in the case diary as well as the nature of the offence and the statement of the minor victim girl recorded under Section 164 of the Code of Criminal Procedure, we do not think that the petitioner should be released on bail. Furthermore, since the date of an earlier rejection and the filing of the instant application bail, we do not find any changed circumstances except the long delay in disposal of the case.

As such the prayer for bail is **rejected**.

The application being **CRM (DB) 24 of 2022** is thus **dismissed**.

However, we request the learned Judge of the Special Court to expedite the case and efforts shall be shown to bring the case to its logical conclusion as expeditiously as possible.

(Harish Tandon, J)

(Rabindranath Samanta, J)