

10.02.2022
Court No.32
JP Item No. 01
Avijit Mitra

**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Side
Through Video Conference**

C.R.M. (DB) No. 27 of 2022

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

And

In Re : Rabiul Mia @ Miya

Petitioner

Mr. Hillol Saha Poddar

For the Petitioner

Mr. Aditi Shankar Chakraborty,
Mr. Biswarup Roy

For the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Sitalkuchi Police Station Case No.123 of 2021 dated 03.06.2021 under sections 363/365 of the Indian Penal Code read with section 6 of Protection of Children from Sexual Offences Act, 2012.

Mr. Poddar, learned advocate appearing for the petitioner submits that the petitioner, aged about 19 years, had a love-relationship with the victim, who was aged about 13 years on the date of the alleged incident. The alleged incident occurred on 31st May, 2021 and the complaint had been lodged about 4 days thereafter. There is no explanation towards such delay. The victim has already been recovered and upon completion of investigation chargesheet has been submitted and as such, further detention of

the petitioner, who is in custody for about 251 days is not necessary and he may be enlarged on bail on any stringent condition.

Mr. Chakraborty, 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 as well as the medical report.

Heard the learned advocates appearing for the respective parties.

Prima facie, we find strong incriminating materials against the petitioner in the case diary. Considering the seriousness of the offence, its ramifications and the 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.

The application for bail, being CRM (DB) No.27 of 2022, is dismissed.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Sugato Majumdar, J)

(Tapabrata Chakraborty, J)