

CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI

11.04.2022
Item no.08
Ct.1
Suvendu/AB

C.R.M(DB) No.36 of 2022

In Re:- An application for bail under section 439 of the Code of Criminal Procedure, 1973 in connection with Falakata Police Station Case No.586 of 2021 dated 05.11.2021 under Sections 363/365 of the Indian Penal Code read with Section 6 of the POCSO Act.

And

In the matter of:- Uttam Roy

... Petitioner

Mr. Kallal Ghosh

.. for the petitioner

Mr. Aditi Shankar Chakraborty
Mr. Sagnik Sankar Sikdar

..for the State

According to learned counsel appearing for the petitioner, the evidence of the victim girl is only against one, Mr. Debasish Barman, who has since evaded court process. However, upon perusing the records, particularly the statements made by the victim girl recorded under Section 164 of the Code of Criminal Procedure, we are of the view that the statement clearly implicates the petitioner in commission of the offence. Hence, the fact that the petitioner has not been implicated in his personal capacity in any of the charges is not apparent from the record.

The application for bail is accordingly rejected.

C.R.M(DB) 36/2022 is disposed of in terms of the above order.

(Kesang Doma Bhutia, J.)

(Moushumi Bhattacharya, J.)

