

17.02.2022
Court No.32
JP Item No. 03
Avijit Mitra

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

C.R.M. (DB) No. 42 of 2022

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

And

In Re : Sanjoy Jana

Mr. Gobinda Chandra Baidya

Petitioner

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 Kotwali Police Station Case No.99 of 2021 dated 02.03.2021 under sections 363/365/34 of the Indian Penal Code read with section 6 of the Protection of Children from Sexual Offences Act, 2012.

Mr. Baidya, learned advocate appearing for the petitioner submits that there was a consensual relationship between the petitioner and the victim girl. The allegations levelled against the petitioner are unfounded. The victim girl willingly left her residence and accompanied the petitioner. Upon completion of investigation chargesheet has already been submitted and as such, further detention of the petitioner, who is in custody for about 340 days, may not be necessary.

Mr. Roy, learned advocate appearing for the State opposes the petitioner's prayer and submits that the victim girl was about 13 years 2 months on the date of the alleged incident. Answering our query, he submits that the victim's residence is in Jalpaiguri whereas the petitioner's residence is at Pathar Pratima.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

Prima facie, there are strong incriminating materials against the petitioner. Considering the seriousness of the offence, the nature of accusations 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.42 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)