

01.03.2022
Court No.01
Item No.45
Saswata
(rejected)

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

**CRM (D.B) 54 of 2022
(Via Video Conference)**

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Mal Police Station Case No. 661 of 2021 under Sections 6/17 of the POCSO Act.

And

In Re: **Rupesh Oraon**

Petitioner

Mr. Kumar Shantanu

For the Petitioner

Mr. Kallol Acharjee
Ms. Namrata Das

For the State

The petitioner is seeking bail in connection with Mal Police Station Case No. 661 of 2021 under Sections 6/17 of the POCSO Act.

Learned lawyer appearing for the petitioner submits that the petitioner is in no way associated with the commission of the offence. The petitioner has falsely been entangled in this case. The petitioner is in custody for 110 days. The charge sheet has been submitted and on submission of the charge sheet, the purpose of investigation has been over. Under such circumstances, the petitioner may be released on bail.

Learned lawyer for the State vehemently opposes the prayer for bail. and takes us to the statement of the victim girl and the statements of other witnesses. Learned lawyer points out that the petitioner is the person who obstructed the friend of the victim girl while he resisted him in perpetrating the offence.

We have perused the statement of the victim girl under Section 164 of the Code of Criminal Procedure and statements of a number of witnesses recorded under Section 161 of the Code of Criminal Procedure. We have also perused the medical examination report.

Having heard the learned lawyers appearing for the parties and on consideration of the materials in the case diary, we find that there are sufficient incriminating materials against the petitioner. This case involves the offence punishable under Sections 6/17 of the POCSO Act.

Considering the serious nature of the offence, we are not inclined to enlarge the petitioner on bail.

The prayer for bail is, thus, *rejected*.

It appears that the investigating officer has already submitted charge sheet.

The learned Trial Judge is requested to take all endeavour so that trial comes to its logical conclusion as expeditiously as possible.

The application for bail being CRM (D.B) 54 of 2022 is accordingly dismissed.

(Harish Tandon, J)

(Rabindranath Samanta, J)