

06.06.2022
05
Ct. No. 01
KAUSHIK
REJECTED

CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE JURISDICTION

C.R.M. (DB) 105 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with **New Jalpaiguri** Police Station Case No. **653** of **2021** dated 24.06.2021 under Section 6 of the Protection of Children from Sexual Offences Act, 2012.

And

In Re : Nazarul Haque @ Nazrul @ Nazarul
..... petitioner

Mr. A. Ghatak
Mr. Saibal Dasgupta
....for the petitioner

Mr. Aditi Shankar Chakraborty, Id. APP
Mr. Sagnik Sankar Sikdar
....for the State

Petitioner prays for bail.

Learned advocate appearing for the petitioner submits that, the petitioner was falsely implicated. He draws the attention of the Court to the statement of the victim recorded under Section 164 of the Code of Criminal Procedure (Cr.P.C.). He contends that the age of the victim was sought to be examined on the basis of the Aadhar Card, which is not permissible.

Learned Additional Public Prosecutor appearing for the State draws the attention of the Court to the materials in the case diary including 164 Cr.P.C. statement of the victim.

The materials in the case diary including the 164 Cr.P.C. statement of the victim squarely implicates the petitioner. The issue of age of the victim is to be decided at the trial.

Considering the materials in the case diary, the gravity of the offence and the involvement of the petitioner as transpiring from the materials in the case diary, we are unable to grant bail to the petitioner.

In such circumstances, prayer for bail of the petitioner is rejected and the application being CRM (DB) 105 of 2022 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)