

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

02.05.2022

Court No.01
rpan / **62**

C.R.M. (DB) 116 of 2022

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

And

In Re : **Khil Mohan Namadas @ Khil Mohan Namadas**

...Petitioner.

Mr. Swarup Das

... for the petitioner.

Mr. Aditi Shankar Chakraborty, Ld. APP,

Mr. Biswarup Roy

...for the State.

The present application for bail under section 439 of the Code of Criminal Procedure in connection with Mathabhanga Police Station Case No.544 of 2021 dated 14.09.2021 under Section 6 of the Protection of Children from Sexual Offences Act, 2012 (POCSO Act) has been filed by the petitioner.

Mr. Das, learned advocate appearing for the petitioner, submits that the petitioner, who is about 62 years old, has been falsely implicated. The allegations are unfounded. The medical report does not corroborate the statements of the victim girls. The petitioner has already suffered long incarceration for about seven months and fourteen days and there is no possibility towards conclusion of the trial in near future.

He further submits that there are inconsistencies between the statements of the victim girls as recorded under Section 164 of the Code and their depositions.

Mr. Roy, learned advocate appearing for the State opposes the petitioner's prayer and submits that there are strong incriminating materials on record against the petitioner.

Answering our query he submits that out of eight witnesses four had already been examined.

Heard the learned advocates appearing for the respective parties and considered the materials on record.

Prima facie, the materials on record reveal the involvement of the petitioner in the alleged offence. Considering the gravity 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.

Accordingly, the application for bail, being CRM (DB) 116 of 2022, is dismissed.

However, as out of eight witnesses four had already been examined, we request the learned court below to take expeditious steps towards conclusion of the trial, preferably within a period of six months from the date of communication of this order.

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

(Ajoy Kumar Mukherjee, J.) (Tapabrata Chakraborty, J.)