

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

06.05.2022

Item no.22
Court No.01
Avijit Mitra

CRM (DB) 119 of 2022

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

And

In Re : Iswar Chandra Das @ Iswar Ch. Das
.... petitioner

Mr. Hillol Saha Poddar,
Ms. Mousumi Das,
Mr. Sayantan Bhowmik
....for the petitioner

Mr. Abhijit Sakar,
Ms. Namrata Das,
Mr. Sagnik Sankar Sikdar
..... for the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred in connection with Falakata Police Station Case No.601 of 2021 dated 15.11.2021 under Sections 376AB of the Indian Penal Code read with Section 6 of the Protection of Children from Sexual Offences Act, 2012.

Mr. Saha Poddar, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. Upon completion of investigation chargesheet has also been submitted and as such, further detention of the petitioner, who is in custody since 2nd December, 2021 is not warranted in the facts and circumstances of the case.

Mr. Sikdar, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to several documents in the case diary.

Records reveal that the petitioner's prayer for bail was earlier rejected by a Coordinate Bench of this Court on 7th March, 2022. We do not find any change in the circumstances thereafter. Considering the gravity of the offence, the statement of the victim girl as recorded under Sections 161 and 164 of the Code and the medical examination report, we are not inclined to exercise any discretion in favour of the petitioner and his prayer for bail is refused, at this stage.

The application for bail CRM (DB) 119 of 2022 is dismissed.

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.)