

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

05.05.2022

Court No.01
rpan /37

C.R.M. (DB) 121 of 2022

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

And

In Re : **Kanai Lal Sarkar**

...Petitioner.

Mr. Sujit Sarkar,
Ms. Srishti Sarkar
... for the petitioner.
Mr. Abhijit Sarkar,
Mr. Biswarup Roy
...for the State.

The present application for bail under Section 439 of the Code of Criminal Procedure in connection with Kotwali Police Station Case No.352 of 2021 dated 13.07.2021 under Section 6 of the Protection of Children from Sexual Offences Act, 2012 read with Section 376AB of the Indian Penal Code has been filed by the petitioner.

Ms. Sarkar, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. The allegation levelled is absolutely unfounded. There are apparent discrepancies in the statements of the victim. Upon completion of investigation charge-sheet has already been submitted and as such, further detention of the petitioner, who has already suffered incarceration for about 276 days, may not be necessary and he may be enlarged on bail on any stringent condition.

Mr. Roy, learned advocate appearing for the State opposes the petitioner's prayer and submits that the offence is heinous in

nature and there are materials on record which reveal the direct involvement of the petitioner in the alleged offence.

Heard the learned advocates and considered the materials on record.

Prima facie, we find strong incriminating materials on record against the petitioner, who appears to be the step-father of the victim. Considering the gravity of the offence, its ramifications and the 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) 121 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.)