

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
Appellate Jurisdiction**

07.06.2022
Serial no.19
[Dd]
(Bail Rejected)

CRM (DB) 147 of 2022

In re : An Application for **Bail** under Section **439** of the Code of Criminal Procedure in connection with **New Jalpaiguri GRPS** Police Station Case No. **37** of **2021** dated **16.12.2021** under Sections **6** of the Protection of Children from Sexual Offences Act and corresponding to POCSO case no. **151 of 2021**.

-And-

In the matter of : Sushanta Debnath @ Bura @ Bijoy
... ..**Petitioner**

Mr. Sudip Guha, Advocate
... .. *For the Petitioner*

Mr. Abhijit Sarkar
Mr. .Sagnik Sankar Sikdar, Advocates
... ..*For the State*

Petitioner prays for bail.

Learned advocate appearing for the petitioner submits that the petitioner is in custody in excess of six months. Police filed charge sheet and, therefore, further detention is not required. He draws the attention of the Court to the fact that 8 persons were involved. The police filed charge sheet naming only 2 persons including the petitioner. The police are not proceeding against the 6 other persons involved. Out of the 2 person named in charge sheet, one is still absconding. There is hardly any prospect of the trial commencing let alone concluding any time soon.

Learned advocate appearing for the State draws the attention of the Court to the statement of the victim recorded under Section 164 of the Criminal Procedure Code and to her medical report.

The victim involved is about 17 years of age. In her statement recorded under Section 164 of the Criminal Procedure Code, she narrates an incident of 8 persons ravishing her.

Considering the gravity of the offence and the involvement of the petitioner therein as transpiring from the materials in the case diary, we are not inclined to grant bail to the petitioner.

Prayer for bail of the petitioner is **rejected**.

CRM (DB) 147 of 2022 is **dismissed**.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)