

16.06.2022

02

Ct. No. 01

**KAUSHIK
REJECTED**

CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE JURISDICTION

C.R.M. (DB) 148 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Ghoksadanga** Police Station Case No. **141** of **2020** dated 27.07.2020 under Sections 376(2)(n)(3)/376(D)(A)/506 of the Indian Penal Code read with Section 6 of the Protection of Children from Sexual Offences Act, 2012.

And

In Re : Sunil Mandal

..... petitioner

Mr. Hillol Saha Podder

....for the petitioner

Mr. Aditi Shankar Chakraborty, Id. APP

Mr. Biswarup Roy

....for the State

Petitioner prays for bail.

Learned advocate appearing for the petitioner submits that, the petitioner is of advanced age. The petitioner was falsely implicated. The petitioner is in custody for 682 days. The police filed charge-sheet and, therefore, further detention of the petitioner is not required.

Learned advocate appearing for the State 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 also draws the attention of the Court to the DNA Test report of the victim girl and the petitioner.

The victim is pregnant. DNA Test was sought to be conducted. The report is inconclusive since the samples were

inappropriate. The 164 Cr.P.C. statement of the victim implicates the petitioner.

Considering 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) 148 of 2022 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)