

**In the High Court at Calcutta  
Circuit Bench at Jalpaiguri  
(Through Video Conference)**

25.07.2022  
cm/ct 28

**C.R.M. (DB) 257 of 2022**

sl. no. 7

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with **Banarhat P.S Case No. 147 of 2022** dated **06.05.2022** under Sections **376(2)(n)** of the Indian Penal Code, 1860 read 6 of the protection of Children from Sexual Offences Act.

Rejected

And

In Re : Jugesh Baraik.

..... petitioner

Ms. Jeenia Rudra

..... for the petitioner

Mr. Aditi Shankar Chakraborty, Ld. A.P.P.

Mr. Nilay Chakraborty

..... for the State

Petitioner is in custody for 78 days. He submits there is delay in lodging First Information Report. He has been falsely implicated in the instant case.

Learned lawyer for the State opposes the prayer for bail. He submits that petitioner was the brother-in-law of the minor victim. He had sexually abused her on a number of time. Out of fear, the victim was unable to come out with the incident.

We have considered the materials on record. Statement of the victim shows that petitioner was the brother-in-law of the victim and had supervening control over her. Under such circumstances, the victim was unable to disclose the incident earlier.

Keeping in mind the aforesaid materials and the nature of offence, we are of the opinion this is not a fit case to grant bail to the petitioner at this stage.

Accordingly, the prayer for bail of the petitioner is rejected.

**( Ananya Bandyopadhyay, J. )**

**( Joymalya Bagchi, J.)**