

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
CRIMINAL MISCELLANEOUS JURISDICTION**

25.07.2022.
11.
Ct.No.28
as
(Rejected)

**C.R.M. (DB) 263 of 2022
(Via Video Conference)**

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Maynaguri P.S. Case No.202 of 2021 dated 26.04.2021 under Sections 376(D) of the Indian Penal Code and Section 6 of the POCSO Act.

In the matter of : Biswadeb Roy @ Biswa.
... Petitioner.

Mr. Anirban Banerjee.
...for the Petitioner.

Mr. Aditi Shankar Chakraborty, Id. A.P.P.,
Ms. Namrata Das.
...for the State.

Heard the learned Advocates appearing for the parties.

Petitioner is in custody for more than 455 days. He renews his prayer for bail. He submits that the victim in her statement recorded under Section 164 of the Code of Criminal Procedure has not spoken of forcible sexual intercourse. It is also contended that the medical evidence is inconclusive.

Learned Advocate for the State opposes the prayer for bail.

We have considered the materials on record. Statement of the victim recorded under Section 164 of the Code of Criminal Procedure read in the light of the allegations in the first information report and other attending circumstances leading to a prima facie inference that the petitioner and others had subjected her to penetrative sexual assault. In the light of the

statement of the victim recorded under Section 164 of the Code of Criminal Procedure and other incriminating materials, inconclusive nature of medical evidence is of little consequence.

Under such circumstances and in view of the gravity of the offence, we are not inclined to grant bail to the petitioner at this stage.

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

Trial court is directed to take steps to conduct the trial with utmost expedition and conclude the same at an early date preferably within one year from the next date fixed before it without granting any unnecessary adjournment to either of the parties.

(Ananya Bandyopadhyay,J.)

(Joymalya Bagchi, J.)