

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

26.08.2022
cm/ct 28

C.R.M. (DB) No. 294 of 2022

sl. no.4

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with **Tufanganj P.S Case No. 826 of 2021** dated **06.12.2021** under Sections **448/376/506** of the Indian Penal Code.

Rejected

And

In Re : Chiranjit Roy.

..... petitioner

Mr. Tanmay Basu

..... for the petitioner

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

Mr. Aniruddha Biswas

..... for the State

Petitioner is in custody for 245 days. He submits no injury was found in the private parts of the victim. Statement of the victim has been recorded in English although she is not conversant in the said language.

Learned lawyer for the State opposes the prayer for bail. He submits that the victim was physically assaulted and sexually abused by the petitioner. Injuries were found of lip and chin.

We have considered the materials on record. Statement of the victim was recorded by Magistrate. She has implicated the petitioner in her statement. The statement bears the certificate of the Magistrate and cannot be said to be inadmissible in law. There are injuries on the body of the victim which corroborates the allegation of forcible sexual assault.

Under such circumstances and the gravity of the offence, we are not inclined to grant bail to the petitioner.

Accordingly, the prayer for bail of the petitioner is rejected at this stage.

Trial court is directed to expedite the trial and conclude the same as expeditiously as possible without granting unnecessary adjournment to either of the parties.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)