

AD-35
Ct No.01
Jalpaiguri
02.02.2023
TN

**Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side**

CRM (DB) 20 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on **03.01.2023** in connection with **Malbazar** Police Station Case No. **661** of **2021** dated **07.11.2021** under Sections **6/17** of the **POCSO Act**.

And

In the matter of: **Suraj Oroan @ Bikash Oroan**

.... Petitioner

Mr. Kumar Shantanu

... for the petitioner

Mr. Arun Kumar Sarkar,
Mr. Dhiman Sil

... for the State

Learned counsel for the petitioner submits that the petitioner was not directly involved in the offence under Section 6 of the POCSO Act even as per the allegations made. Merely because the petitioner's name was uttered by one of the co-accused persons, the petitioner was arrested. Moreover, it is submitted that the other co-accused persons have already been released on bail.

Learned counsel for the State, however, submits that the statements under Sections 161, 164 and the medical report all corroborate the offence. The statement under Section 164 categorically names the present petitioner as one of the perpetrators.

Although the petitioner is already in custody for 1 year 3 months, keeping in view that the petitioner's name was specifically uttered and the other co-accused persons were given the benefit of

doubt since their name was not mentioned by the victim, we do not find any reason to enlarge the petitioner on bail at this present juncture in view of direct *prima facie* involvement of the petitioner in the offence.

Accordingly, CRM (DB) 20 of 2023 is dismissed.

(Sabyasachi Bhattacharyya, J.)

(Rai Chattopadhyay, J.)