

D/L. 72
February 2, 2023
MNS

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

CRM (DB) 44 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on 10.01.2023 in connection with Ghaksadanga Police Station Case No. 357 of 2021 dated 01.10.2021 under Section 6 of the Protection of Children from Sexual Offences Act, 2012.

And

In the matter of: Bishnu @ Bishnu Pada Sarkar

.... Petitioner

Mr. Subhasish Misra

... for the petitioner

Mr. Saikat Chatterjee,
Mr. Dhiman Sil

... for the State

Learned counsel for the petitioner submits that the petitioner is auditorily and verbally challenged and is in custody for one year and two months. It is further contended that the complaint was lodged inordinately late after the alleged occurrence of the event, that is, 7 to 8 months thereafter. As such, keeping in view the sequence of the alleged events and the absurdity thereof, the petitioner ought to be released on bail.

Learned counsel for the State vehemently opposes such contentions and submits that the victim was of 14 years of age at the relevant juncture and was found to be 28 weeks' pregnant due to the offence committed by the petitioner.

It is also submitted that taking advantage of the innocence of the victim, the petitioner committed the offence at least four times on the victim girl. It is further contended that the crime is heinous in nature and, as such, bail ought not to be granted to the petitioner.

We are satisfied that the State has made out a strong case against the grant of bail to the petitioner at this stage.

Hence, CRM (DB) 44 of 2023 is dismissed.

It is expected, keeping in view the circumstances and the delay in trial, that the trial shall be expedited as much as possible and shall be concluded preferably within one year from the date of communication of this order to the trial court.

(Sabyasachi Bhattacharyya, J.)

(Rai Chattopadhyay, J.)