

D/L. 28
February 8, 2023
MNS

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

CRM (DB) 66 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on 18.01.2023 in connection with Sitalkuchi Police Station Case No. 235 of 2022 dated 23.08.2022 under Sections 363/365/109 of the Indian Penal Code, 1860 and adding Section 6 of the Protection of Children from Sexual Offences Act, 2012.

And

In the matter of: Rasidul Mia

.... Petitioner

Mr. Hillol Saha Podder,
Ms. Mousumi Das

... for the petitioner

Mr. Nilay Chakraborty,
Mr. Arjun Chowdhury

... for the State

Learned counsel for the petitioner submits that the petitioner is about 20 years old, whereas the victim girl is of 17 years and 11 months, that is, almost an adult. The section clamped under the POCSO Act is barely applicable to the victim. That apart, it is argued that there was previous amorous relationship between the petitioner and the victim.

Learned counsel for the State opposes the prayer for bail and places reliance on the statement of the victim girl under Section 164 of the Code of Criminal Procedure, which clearly indicates serious allegations against the petitioner, inasmuch as the petitioner allegedly

abducted the victim girl and confined her for several dates in a place and forced himself upon her.

Keeping in view the gravity of the alleged offence, we are not inclined to grant bail to the petitioner.

Accordingly, CRM (DB) 66 of 2023 is dismissed.

(Sabyasachi Bhattacharyya, J.)

(Rai Chattopadhyay, J.)