

D/L. 31
February 8, 2023
MNS

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

CRM (DB) 70 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on 25.01.2023 in connection with Jaigaon Police Station Case No. 109 of 2022 dated 11.05.2022 under Section 302 of the Indian Penal Code, 1860 read with Section 8/12 of the Protection of Children from Sexual Offences Act, 2012.

And

In the matter of: Sri Saurav Ekka @ Sourav @ Bhim @ Ekk
.... Petitioner

Mr. Kalipada Das
... for the petitioner

Mr. Ujjwal Luksom,
Mr. S. S. Sikdar
... for the State

Learned counsel for the petitioner contends that the petitioner was falsely implicated in the present case. The case was initiated against the petitioner under Sections 8 and 12 of the POCSO Act. It is further submitted that there is sufficient scope to grant bail to the petitioner; particularly, since the petitioner is already in custody for nine months.

Learned counsel for the State opposes the prayer for bail and submits that the allegation was that the petitioner had sought to offend the victim girl, who was about 13 years old at the relevant juncture, within the contemplation of Sections 8 and 12 of the

POCSO Act. As a result of the resistance of the victim girl, the petitioner allegedly beat the victim girl with a wooden stick. The wooden stick, it is submitted, has already been recovered as well.

Subsequently, the victim succumbed to the injury and died. As such, Section 302 of the Indian Penal Code was also clubbed.

Upon hearing learned counsel for the parties, we find that the gravity of the allegation against the petitioner is extremely strong, which prevents us from granting bail to the petitioner at this juncture.

Accordingly, CRM (DB) 70 of 2023 is dismissed.

(Sabyasachi Bhattacharyya, J.)

(Rai Chattopadhyay, J.)