

02.03.2023

Sl. No.23

akd

[Rejected]

IN THE HIGH COURT AT CALCUTTA

Circuit Bench at Jalpaiguri

C. R. M. (DB) 123 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 13.02.2023 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 Re: **Suraj Oraon**

... .. Petitioner

Mr. Anirban Banerjee

... .. for the petitioner

Mr. Ujjwal Luksom

Ms. Namrata Das

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 400 days. It is further submitted there is bereavement in his family. Co-accuseds have been enlarged on bail.

Learned Advocate for the State opposes the prayer for bail and submits petitioner along with the principal accused viz. Augustu Oraon @ Augustu Oraon had raped the minor.

We have considered the materials on record. Minor was raped by Augustu Oraon @ Augustu Oraon. Petitioner was present and assisted him. The contours of the offence show the ingredients of gang rape. Petitioner does not stand on the same footing with co-accuseds who have been enlarged on bail. In view of gravity of the offence and the prima facie involvement of the petitioner therein, we are not inclined to grant bail to the petitioner at this stage.

The application for bail is thus **rejected**.

Trial court is directed to expedite the trial and conclude the same at an early date.

(Subhendu Samanta, J.)

(Joymalya Bagchi, J.)