

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

11.04.2023
Court No.1
(D/L 21)
(rejected)

CRM (DB) 159 OF 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure, 1973 filed on 04.04.2023 in connection with Kurseong Police Station Case No.138 of 2022 dated 25.12.2022 under Sections 448/376(2)c/511 of the IPC read with Section 10 of the POCSO Act, 2012.

And

In the matter of: **Zohmangain @ Zohmangaiha**

... Petitioner.

Mr. Subhasish Misra
Mr. Swarup Das

... for the petitioner.

Mr. Aditi Shankar Chakraborty, APP
Mr. Sagnik Sankar Sikdar

... for the State.

Learned counsel appearing for the petitioner submits that the ingredients required to prove the offence is not present.

Learned counsel appearing for the State handover the case diary.

Perused the record as well as the 164 statement of the minor victim girl. From the records it can be seen that the attacker is the person who is supposed to be the protector of the minor girl.

After perusing the facts and circumstances of the case, we are not inclined to grant bail to the petitioner.

The application for bail is rejected.

[SHAMPA DUTT (PAUL), J.]

(RAJARSHI BHARADWAJ, J.)