

**12.06.2023**

Ct.No. 1

Item No. 54

Sb / Saswata

**Rejected**

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

**C.R.M. (DB) 210 of 2023**

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure, 1973 in connection with Malbazar PS case no. 661/2021 dated 07.11.2021 under Sections 6/17 of POCSO Act.

And

In the matter of : **Suraj Oraon**

...petitioner

Mr. Kumar Santanu

...For the petitioner

Mr. Kallol Acharjee

Mr. Kallol Nag

....For the State

1. Learned Counsel for the petitioner submits that the petitioner is in custody for over 503 days and the co-accused persons have been enlarged on bail.
2. Learned Counsel for the State opposes the prayer for bail and submits that the petitioner along with the principal accused, namely, Agustu Oraon @ Augustu had raped the minor.
3. It appears that on 2<sup>nd</sup> March 2023, a Coordinate Bench of this Court has rejected the prayer for bail with the following observation:-

*“We have considered the materials on record. Minor was raped by Agustu Oraon @ Augustu. The 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.”*

4. Having considered the materials in the case diary, we find that that there is no change in circumstances for which we may revisit this application for bail. Hence, we are not inclined to grant bail to the petitioner. The application for bail is accordingly **rejected**.
5. CRM (DB) 210 of 2023 is **disposed** of.

**(Raja Basu Chowdhury, J.)**

**(Soumen Sen, J.)**