

07.6.2023
Court No.01
Item No. 13
ar
Rejected

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

CRM (DB) 248 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with Rajganj Police Station Case No. 102 of 2022 dated 16.01.2022 under Sections 363/365/506/34 of the Indian Penal Code, 1860 read with Sections 12 and 17 of the Protection of Children from Sexual Offences Act, 2012.

And

In Re: **Hyder Ali @ Heyder Ali**

.... Petitioner

Mr. Salok Sah

... For the Petitioner

Mr. Ujjal Luksom

Mr. Chattu Roy

... For the State

Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case.

Learned counsel appearing for the State opposes the prayer for bail.

It is submitted that the statement recorded under Section 164 of the Code of Criminal Procedure corroborates the F.I.R and the charge has been adequately proved.

Having considered the materials produced in the case diary, the statement of the victim under Section 164 of the Code of Criminal Procedure and the medical examination report, we are not inclined to grant bail to the petitioner at this stage.

The application for bail of the petitioner is rejected. CRM (DB) 248 of 2023 is accordingly, disposed of.

However, after recording the evidence of the victim, the defacto complainant and the medical officer, the prayer for bail may be renewed.

We direct the learned Trial Judge to proceed with the matter as expeditiously as possible by invoking Section 309 of the Cr.P.C.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Raja Basu Chowdhury, J.)

(Soumen Sen, J.)