

11.07.2023  
Item no.02.  
Court No.01.  
S. De  
(Rejected)

**Circuit Bench of Calcutta High Court**  
**at Jalpaiguri**

**CRM (DB) No. 257 of 2023**

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure filed on 16.05.2023 in connection with Dhupguri Police station Case No. 501 of 2021 dated 29.11.2021 under Sections 448/376AB/506 of the Indian Penal Code read with Section 6 of the POCSO Act.

And

**In the matter of : Ramjan Ali        .....Petitioner.**

Mr. Jaydeep Kanta Bhowmik,  
Mr. Sayantan Bhowmik,  
Ms. Rikta Sarkar,  
.....for the Petitioner.

Mr. Aditi Shankar Chakraborty, Ld. APP  
Mr. Subhasish Misra,        .....for the State.

Heard learned advocate for the petitioner and learned advocate for the State at length.

At the very outset, learned advocate for the petitioner has handed up copies of orders passed in S.T. No. 15 (08) of 2022 arising out of Sessions Case (POCSO) 145 of 2021.

It is contended that considering the detention of the present accused petitioner and considering the fact that for no fault of the present accused petitioner, none of the prosecution witnesses have been examined in the mean time, the instant application for bail may be considered favourably.

Learned advocate for the State, however, opposes such prayer for bail. In course of his submission, he draws attention to the statement of the victim as recorded under Section 164 of the Code of Criminal Procedure as well as to the other materials as collected in course of the investigation as against the present accused petitioner.

On perusal of the entire material in the case diary and after hearing the learned advocates for the contenting parties, we are convinced that the allegation as has been made out in the FIR gets due support in course of the investigation especially from the statement of the victim as recorded under Section 164 of the Code of Criminal Procedure.

Considering the grievousness of the offence, we are not inclined to exercise our discretion under Section 439 of the Code of Criminal Procedure in favour of the petitioner.

However, considering the long detention of the present accused petitioner, the present accused petitioner may renew his prayer after completion of the deposition of the victim girl, if he so desires.

Considering the anxiety of the present accused petitioner, the learned Trial Court is, hereby, requested to expedite the trial with a further request to the prosecution to ensure the attendance of the witnesses positively on the dates as fixed by the learned Trial Court.

The application for bail is, accordingly, rejected.

CRM (DB) 257 of 2023 is dismissed.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

**(Partha Sarathi Sen, J.)**

**(Arijit Banerjee, J.)**