

13. 04.07.2023
Court
No.1 Tanmoy Ghosh

Rejected

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE**

CRM (DB) 264 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973, in connection with **Falakata Police Station Case No. 116 of 2023** dated **19.03.2023** under Section **6** of the POCSO Act, 2012.

And

In the matter of: - **Pradip Roy @ Das**

...petitioner.

Ms. Mousumi Das, Adv.

...for the petitioner.

Mr. Nilay Chakraborty, Adv.,
Mr. Chattu Roy, Adv.

...for the State.

Heard learned Advocate for the petitioner and learned
Advocate for the State.

In support of the application for bail it is contended that
the present accused petitioner has been falsely implicated.

Learned Advocate for the State, while opposing the prayer
for bail, draws attention of this Court to the written complaint as
well as to the statement of the victim recorded under Section
164 of the Code of Criminal Procedure, 1973 and also to the
statement of the witnesses recorded under Section 161 of the
Code of Criminal Procedure, 1973.

On a perusal of the entire material in the case diary it
appears that the victim girl has delivered a baby. It also appears

from her statement recorded under Section 164 of the Code that she has clearly indicated the present accused petitioner to be the perpetrator of the crime.

Such being the position, we are not inclined to exercise our discretion under Section 439 of the Code of Criminal Procedure, 1973 and accordingly, the prayer for bail is considered and rejected.

The application for bail being CRM (DB) 264 of 2023 is, accordingly dismissed.

(Arijit Banerjee, J.)

(Partha Sarathi Sen, J.)