

07.07.2023

Item no.1

Court No.1.

AB

(Rejected)

**Calcutta High Court
In the Circuit Bench at Jalpaiguri**

CRM (DB) No. 360 of 2023

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure in connection with Falakata Police Station Case No.241 of 2021 Dated 28.5.2021 under Section 363/370(4) of the Indian Penal Code read with Section 12/6 of the POCSO Act

And

In the matter of : Dibyendu Dey @ Monai Dey

.....Petitioner.

Ms. Suman Sehanabis,
Mr. Salok Sahfor the Petitioner.

Mr. Nilay Chakraborty,
Mr. Kallol Nagfor the State.

Mr. Aniruddha Biswasfor the Defacto complainant.

Heard learned Advocate for the petitioner, learned Advocate for the State and learned Advocate for the defacto complainant, who undertakes to file vakalatnama in course of the day.

In course of her submission, learned Advocate for the present accused petitioner submits before this Court that considering the false implication of the present accused petitioner in the instant case and also considering the long detention of the present accused petitioner, the instant application for bail may be considered favourably.

Prayer for bail is opposed not only on behalf of the State but also on behalf of the defacto complainant.

Learned Advocate for the defacto complainant in course of his submission draws our attention to the deposition of the P.W.1, that is the victim girl, wherefrom it appears that there are sufficient incriminating material as against the present accused petitioner which are really grave and serious in nature.

Considering the grievousness of the offence, we are not inclined to exercise our discretion under Section 439 Cr.P.C. in favour of the petitioner.

The prayer for bail stands rejected.

CRM (DB) No.360 of 2023 is dismissed.

Considering the long pendency of the trial, learned Trial Court is requested to expedite the trial and conclude the same preferably within a year from the date of communication of this order.

(Partha Sarathi Sen, J.)

(Arijit Banerjee, J.)