

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

22.08.2023
Court No.1
Item. 11
(Suvendu)

CRM(DB) 468 OF 2023

In Re: An application for Bail under Section 439 of the Code of Criminal Procedure, 1973 filed in connection with Bagdogra Police Station Case No. 114 of 2023 dated 09.03.2023 under Section 6 of the PCSO Act.

And

In the matter of: Nirad Debnath @ Niraj Debnath

.Petitioner

Mr. Hillol Saha Podder

For the Petitioner

Mr. Nilay Chakraborty
Mr. Sagnik Sankar Sikdar

For the State

Mr. Abhilash Mittal

For the O.P.2/ Defacto Complainant

1. The involvement of the petitioner in the alleged offence is reflected from the statement made by the victim girl under Section 164 of the Cr.P.C. The victim girl was aged about 12 years at the time of alleged offence. After alleged offence, she became pregnant and recently gave birth to a pair of twins.
2. The only defense taken on behalf of the petitioner is that the DNA profiling Report is still not before the concerned Court.
3. Learned counsel appearing for the prosecution submits that the DNA profiling Report is still awaited and may require some more time. Counsel is not in a position to inform the Court about the date

of the application for DNA profiling Report but submits that the Report is awaited from RFSL, Jalpaiguri.

4. Considering all the relevant materials placed before us, we are of the view that the non-availability of the DNA profiling Report cannot be a ground to allow the prayer for bail. The Report will be taken into account at the time of trial which we hope will be concluded expeditiously.

5. The prayer for bail is hence rejected.

6. We however direct that the DNA profiling Report should be sent by the concerned authority within two months from today.

7. The Vakalatnama filed on behalf of the defacto complainant is kept with the record.

8. CRM(DB) 468 of 2023 is accordingly rejected and disposed of in terms of the above.

(PRASENJIT BISWAS, J.)

(MOUSHUMI BHATTACHARYA,J.)