

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

**28.08.2023**

Court No.01  
rpan /17

**C.R.M. (DB) 486 of 2023**

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure;

And

**In Re.: Suraj Mirdha**

- Petitioner

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

Mr. Nilay Chakraborty  
... for the State.

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Matelli Police Station Case No. 115 of 2023 dated 02.07.2023 under Sections 341/342/384/120/323/34 of the Indian Penal Code read with Sections 6/17 of the POCSO Act.

Mr. Bhowmik, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. He has not abetted the alleged offence in any manner. In the said conspectus, he may be granted bail as he has already suffered incarceration for about 60 days.

Mr. Chakraborty, learned advocate appearing for the State opposes the petitioner's prayer and drawing our attention to the seizure list, he submits that the school bag, the mobile phone and the Aadhaar Card of the victim girl, who is a minor, was recovered from the residence of the petitioner herein and that as such, the petitioner has a direct nexus with the alleged offence and his

prayer for bail needs to be refused as investigation is still continuing.

Heard the learned advocates appearing for the respective parties and perused the case diary.

Considering the gravity of the offence, the manner in which the offence has taken place and the extent of complicity of the petitioner in the alleged offence, we are not inclined to exercise any discretion in his favour at this stage, moreso when investigation is still continuing. In view thereof, the petitioner's prayer for bail is refused

The application for bail, being CRM (DB) 486 of 2023 is rejected.

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

**(Lapita Banerji, J.)**

**(Tapabrata Chakraborty, J.)**