

01.09.2023
Court No.01
rpan/15

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

CRM (DB) 501 of 2023

In Re : **Manindra Das @ Mani Das**
- Petitioner

Mr. Hillol Saha Podder
... for the Petitioner.
Mr. Nilay Chakraborty,
Ms. Sukanya Adhikary
... for the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Mathabhanga Police Station Case No. 270 of 2023 dated 30.05.2023 under Sections 6/17 of the Protection of Children from Sexual Offences Act, 2012.

Mr. Saha Podder, learned counsel appears on behalf of the petitioner and submits that there is a long standing enmity between the petitioner and victim girl's family. The complaint lodged against the petitioner on May 30, 2023 is false and the petitioner, who has been incarcerated since May 31, 2023 may be released on bail.

Mr. Chakraborty, learned counsel appearing on behalf of the State submits that the victim girl is only four years of age. There is no previous enmity between the parties. The crime committed by the petitioner is heinous in nature and therefore, the prayer for bail should be rejected.

Considering the rival submissions of the parties and the materials placed on record, this Court finds that there was no previous enmity between the petitioner and the family of the victim

girl. In fact, upon perusal of the FIR it appears that there was a cordial relationship between the petitioner and the family of the victim girl. Due to such relationship the father of the victim girl allowed her to go to the petitioner's house.

This Court, *prima facie*, finds that the crime alleged of is very serious in nature and therefore, rejects the prayer of bail.

The application for bail, being CRM (DB) 501 of 2023, is dismissed.

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.)