

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

6.09.2023
Item no.27
Court No.01
P.P./S.D.

CRM (DB) 515 of 2023

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

And

In Re: Ashidul Hossain @ Asidul

.... petitioner

Mr. Subhasish Misra
Mr. Swarup Das
Mr. Satyajit Paul

....for the petitioner

Mr. Abhijit Sarkar
Mr. Kallol Nag

..... for the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred in connection with Ghoskadanga Police Station Case No. 383 of 2022 dated 11.10.2022 under Sections 363/365 of the Indian Penal Code read with Section 6 of the POCSO Act.

Mr. Misra, learned advocate appearing for the petitioner submits that there was a consensual relationship between the petitioner, who is presently aged about 24 years and the victim girl, who is presently aged about 14 years. The allegations levelled against the petitioner are unfounded. He has already

suffered incarceration for about 10 months and upon completion of investigation, chargesheet has also been submitted. In the said conspectus, further detention of the petitioner may not be necessary.

Mr. Nag, learned advocate appearing for the State opposes the petitioner's prayer and submits that there are strong incriminating materials on record against the petitioner. The victim girl has not yet been examined and as such the petitioner's prayer needs to be refused.

Having heard the learned advocates appearing for the respective parties and considering the materials on record, particularly the statement of the victim girl, as recorded under Section 164 of the Cr.P.C., the medical report and the gravity of the offence, its ramification and the extent of complicity of the petitioner in the alleged offence, we are not inclined to exercise discretion in his favour and his prayer for bail is refused.

The application being CRM (DB) 515 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.)

