

AD-12
Ct No.01
Jalpaiguri
13.09.2023
SP

**Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side**

CRM (DB) 550 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on **05.09.2023** in connection with **Ghokshadanga** Police Station Case No. **264** of **2022** dated **22.07.2022** under **POCSO Act**.

And

In the matter of: KHOKAN BARMAN

.... petitioner

Mr. Arjun Chaudhury
Mr. Bikash Singha

... for the petitioner

Mr. Kallol Acharjee
Mr. Aniruddha Biswas

... for the State

1. Learned counsel for the petitioner submits that the petitioner is already in custody for about 410 days. The trial is yet to begin. That apart, it is submitted that the allegation against the petitioner was not corroborated by the medical report beyond reasonable doubt. Moreover, certain other persons, who were allegedly involved in videography of the incident and releasing the same on the internet, have already been granted bail.
2. Learned counsel for the State opposes the prayer for bail and submits that the petitioner is the principal accused. It is

further submitted that the medical report does not rule out the allegation of rape altogether.

3. Despite the fact that the petitioner is already in custody for 410 days and that three other co-accused persons might have been enlarged on bail, the allegation against the petitioner, at least prima facie, is found to be the gravest. As rightly pointed out by learned counsel for the State, the medical report, although does not clinchingly decide the issue against the petitioner, does not rule out the scope of sexual intercourse altogether. In view of the nature of the offence, which is that the crime, allegedly committed by the petitioner, was circulated on the internet, we are of the opinion that the complicity of the petitioner in such circulation cannot be ruled out altogether. Hence, we do not feel it appropriate to grant the petitioner bail at this juncture, in the interest of the society at large.
4. Accordingly, CRM (DB) 550 of 2023 is dismissed.
5. However, it is expected that the trial shall be expedited and shall be concluded as early as possible, preferably within eight months from this day.

(Sabyasachi Bhattacharyya, J.)

(Uday Kumar, J.)