

AD-57
Ct No.01
Jalpaiguri
20.09.2023
SP

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

CRM (DB) 564 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on **11.09.2023** in connection with **Sitalkuchi** Police Station Case No. **168** of **2023** dated **07.06.2023** under Section 4 of the POCSO Act.

And

In the matter of: ABDUL JABBER MIA @ ABDUL JOBBAR MIA
@ ABDUL JABBAR MIA @ MAUKHAWA petitioner

Ms. Pratusha Dutta Chowdhury

... for the petitioner

Mr. Abhijit Sarkar
Mr. Sagnik Sarkar Sikdar

... for the State

1. Learned counsel for the petitioner submits that the petitioner is in custody for more than 100 days. It is contended that the charge-sheet has been filed and, as such, bail ought to be granted to the petitioner.
2. Learned counsel for the State vehemently opposes the prayer and submits that the age of the victim was merely six years at the relevant point of time and the petitioner was about 65 years of age. Keeping in view the gravity of the offence, which is under Section 4 of the POCSO Act,

and the respective ages of the accused and the victim, we are not inclined to grant bail to the petitioner.

3. Accordingly CRM(DB) 564 of 2023 is dismissed.

(Sabyasachi Bhattacharyya, J.)

(Uday Kumar, J.)