

03.10.2023.

Ct. No. 1

Item No. 37

pk

Rejected

*CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE*

C.R.M. (DB) No. 575 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure, 1973 filed on 13.09.2023 in connection with Alipurduar Police Station Case No. 500 of 2022 dated 09.10.2022 under Sections 363/365 AB of the Indian Penal Code read with Section 6 of the POCSO Act, 2012.

And

In the matter of: **Soyel Alam @ Sohel Alam**

...petitioner

Mr. Arnab Saha

...For the petitioner

Mr. Ujjwal Luksom,
Mr. Sagnik Sankar Sikder

....For the State

1. The application for bail is canvassed on the ground that the petitioner is in custody for more than 110 days. It is also submitted that further detention of the petitioner in custody is not necessary since charge sheet has already been filed.

2. Counsel for the State submits that charge sheet has been filed and prosecution is examining the possibility of filing a supplementary charge sheet since the statement of the victim under Section 164 of the Cr. P. C. indicates participation of more persons in the offence against the victim.

3. Be that as it may, this Court finds hard to accept the statements of the learned counsel for the petitioner that there was a love affair between the victim and the accused.

4. The statement under Section 164 of the Cr. P. C. reveals completely a different story. Refusal on their part of the victim to undergo medical examination in the peculiar facts and circumstances of the case is not found to be fatal to the case of the prosecution at this stage.

6. It is ordered that the charge sheet is put to committal along with supplementary charge sheet, if any, as expeditiously as possible.

7. It is expected that the trial is completed within the statutory period.

8. The prayer for bail is refused.

9. Accordingly, CRM (DB) 575 of 2023 is dismissed.

(Supratim Bhattacharya, J.) (Rajasekhar Mantha, J.)