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***Calcutta High Court
In the Circuit Bench at Jalpaiguri***

CRM (DB) 449 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed on 08.12.2022 in connection with Kuchlibari Police Station Case No. 2 of 2017 dated 02.01.2017 under Sections 370/365 read with Section 376 of the Indian Penal Code

In the matter of : Bhupodesh Roy

... petitioner

Mr. Subhasish Misra,
Mr. Swarup Das

...for the petitioner

Mr. Aditi Shankar Chakraborty,
Mr. Tapan Bhattacharjee

.....for the State.

Heard learned counsel appearing for the parties.

Learned counsel appearing for the petitioner submits that the petitioner is in custody for about ten months. Although the allegation is that the victim girl was taken to Rajasthan, where the offence was committed on her, it appears from the recovery memo that the girl was recovered from her own house. That apart, the charge sheet has already been submitted. It is submitted by learned counsel for the petitioner that there is a possible different perspective as well, inasmuch as the families of the petitioner and the victim girl have a previous history of enmity.

Learned counsel for the State places the case dairy and contends that there are corroborative statements of the petitioner's own wife and neighbour that the petitioner is a habitual offender. That apart, the recovery memo itself cannot vitiate the allegation inasmuch as the girl was allegedly taken to Rajasthan and subsequently came back to her home, from where she was recovered by the police.

Upon perusal of the record and the statement of charges, we are of the opinion that the nature of allegation is grave. Moreover, in view of the fact that the petitioner is a habitual offender, we do not find it safe to release the petitioner on bail at the present juncture, despite the facts that the petitioner is in custody for about ten months and the charge sheet has already been submitted.

Accordingly, CRM (DB) 449 of 2022 is dismissed.

(Sabyasachi Bhattacharyya, J.)

(Rai Chattopadhyay, J.)