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Calcutta High Court
In the Circuit Bench at Jalpaiguri

CRM (DB) No. 450 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed on 09.12.2022 in connection with New Jalpaiguri Police Station Case No. 440 of 2021 dated 12.05.2021 under Sections 365/366A/323/354 of the Indian Penal Code read with Section 6 of the POCSO Act.

In the matter of : Paban Adhikary @ Pawan Adhikary
@ Babanta Adhikary
... Petitioner

Mr. Joydeep Kanta Bhowmik,
Mr. Sayantan Bhowmik
...for the Petitioners

Mr. Saikat Chatterjee,
Mr. Sagnik Sankar Sikdar
.....for the State.

Upon hearing learned counsel appearing for the parties, it transpires that there are sufficient materials on record to raise the presumption as contemplated in the POCSO Act to refuse bail to the petitioner.

Inasmuch as the contention of the petitioner, that the Sections-in-question were marked as Sections 6/8 of the POCSO Act alternatively, is concerned, the same may not *ipso facto* vitiate the complaint inasmuch as ingredients of both sections together and/or alternatively may exist in particular cases.

As such, we do not find any reason to grant bail to the petitioner at this stage.

Accordingly, CRM (DB) No. 450 of 2022 is dismissed.

Since the petitioner is behind the bars for a considerably long time, that is, about one year eight months and ten days till now, the trial shall be expedited as much as possible and shall be concluded within a reasonable period.

(Sabyasachi Bhattacharyya, J.)

(Rai Chattopadhyay, J.)