

13.12.2023

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Sdas
rejected

IN THE HIGH COURT AT CALCUTTA

Circuit Bench at Jalpaiguri

CRM (DB) 665 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Maynaguri Police Station Case No. 187 of 2023 dated 15.05.2023 under Sections 376(3)/511 of the Indian Penal Code read with Section 04/18 of the POCSO Act.

And

In Re : Dhajen Roy @ Dhajendra Nath Roypetitioner

Mr. Prabir Kumar Mitra
Mr. Pinak Mitra
Mr. Deborshi Dhar

..... for the petitioner

Mr. Nilay Chakraborty
Mr. Sagnik Sankar Dey

..... for the State

Mr. Aniruddha Biswas

..... for the victim

1. Learned Counsel for the petitioner submits victim has subsequently improved her version with regard to penetrative sexual assault. Petitioner is an elderly person and has been falsely implicated. He prays for bail.

2. Learned Counsel for the State opposes the prayer for bail.

3. Learned Counsel for the victim also opposes the prayer for bail.

4. We have considered the materials on record. Petitioner is neighbour of the victim. Victim stated that she

had been subjected to sexual assault on a number of occasions earlier. Issue with regard to improvement of her version requires to be thrashed out on oath during trial. Victim is yet to be examined. If the petitioner is released on bail there is possibility that she may be influenced or won over. Under such circumstances, we are not inclined to grant bail to the petitioner at this stage.

5. Application for bail is, thus, rejected.

(Apurba Sinha Ray, J.)

(Joymalya Bagchi, J.)