

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

10.04.2024

Court No.01
rpan / **12**

C.R.M. (DB) 77 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure;

And

In Re.: Krishna Pal

- Petitioner

Mr. Sourav Ganguly,
Ms. Rishita Chakraborty
... for the petitioner.

Mr. Nilay Chakraborty, Ld. APP
Mr. Sagnik Shankar Sikdar
... for the State.

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Alipurduar Police Station Case No. 253 of 2023 dated 01.08.2023 under Section 6 of the Protection of Children from sexual Offence Act, 2012.

Mr. Ganguly, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated upon levelling unfounded allegations. There are discrepancies and contradictions in the statement of the victim girl, as recorded under Section 164 of the Code of Criminal Procedure and the statements of other witnesses. The medical examination report does not corroborate the statement of the victim girl. Upon completion of investigation chargesheet has already been submitted and in view thereof, further detention of the petitioner, who is in custody since 1st August, 2023, may not be necessary.

Mr. Sikdar, learned advocate appearing for the State vehemently opposes the petitioner's prayer and submits that from the materials on record it would be evident that the petitioner is directly involved in the alleged offence. In support of such contention reliance has been placed upon the statements of the victim girl and other witnesses as well as the medical examination report.

We have heard the learned advocates and considered the materials on record.

Prima facie, the statement of the victim girl and the medical examination report reveal the direct involvement of the petitioner in the alleged offence. Considering the gravity of the offence, its ramifications, the manner in which the offence has taken place and the extent of complicity of the petitioner in the alleged offence, we are not inclined to exercise discretion in his favour. In view thereof, the petitioner's prayer for bail is refused, at this stage.

The application for bail, being CRM (DB) 77 of 2024 is, accordingly, dismissed.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Biswaroop Chowdhury, J.)

(Tapabrata Chakraborty, J.)