

22.04.2024
Court No.01
Item No. 178

Rejected

sg

CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI

CRM (A) 250 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with New Jalpaiguri Police Station Case No. 436 of 2022 dated 06.05.2022 under Sections 363/365 of IPC adding section 4 of the POCSO Act.

And

In Re: **Gopal Barman.**

Petitioner

Mr. Anirban Banerjee

For the Petitioner

Mr. Debajit Kundu,

For the de-facto complainant

Mr. Nilay Chakraborty, Ld. APP

Mr. Kallol Acharjee

Mr. Sagnik Sankar Sikdar

For the State

1. We have heard the learned Counsel for the petitioner and the learned Counsel for the State.
2. On perusal of the entire materials as placed before this Court, it reveals that it is the version of the victim girl in her statement as recorded in Section 164 of the Code of Criminal Procedure that she has been ravished for a period of continuous 10 days by the present accused petitioner keeping her in isolation in a locked room.
3. Considering the seriousness of the crime and also keeping in mind that the evidence of the victim girl has not yet been recorded, we are not inclined to exercise our discretion under Section 438 of the Code of Criminal Procedure in favour of the petitioner.

4. Accordingly, the prayer for anticipatory bail of the petitioner is considered and rejected.
5. CRM(A) 250 of 2024 is, thus, dismissed.

(Soumen Sen, J)

(Partha Sarathi Sen, J)