

29.04.2024
Court No.01
Item No. 21

CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI

ar

CRM (DB) 172 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Rajganj Police Station Case No. 180 of 2023 dated 08.04.2023 under Section 6 of the POCSO Act, 2012.

And

In Re: **Khiren Roy**

Petitioner

Mr. Surajit Basu

For the petitioner

Mr. Kallol Acharjee

Mr. Kallol Nag

For the State

Mr. Anirban Banerjee

Ms. Rishita Chakraborty

For the Defacto Complainant

1. Heard.
2. Learned counsel for the State opposes the prayer for bail.
3. On perusal of the statement of the victim as recorded under Section 164 Cr.P.C we find direct allegation as against the present accused petitioner regarding sexual assault to the victim.
4. Considering the seriousness of the matter, fact that incriminating materials found in the case diary against the petitioner for the alleged offence, we are not inclined to exercise our discretion under Section 439 Cr.P.C in favour of the present petitioner.
5. Accordingly, the prayer for bail of the petitioner stands rejected.
6. CRM (DB) 172 of 2024 is accordingly, disposed of.

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

(Soumen Sen, J)

s

(Partha Sarathi Sen, J)