

29.04.2024
Court No.01
Item No. 34

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

ar

CRM (DB) 201 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Falakata Police Station Case No. 567 of 2019 dated 08.10.2019 under Sections 376(AB)/302/34 of the Indian Penal Code read with Section 6 of POCSO Act, 2012.

And

In Re: **Dinesh Roy**

Petitioner

Mr. Sayam De
Mr. Sampad Das
Ms. Esha Acharya

For the petitioner

Mr. Sourav Ganguly
Mr. Sanjib Das

For the State

1. Affidavit of service filed in Court is taken on record.
2. Heard.
3. Learned counsel for the State opposes the prayer for bail.
4. We have considered the materials available in the case diary. There are statements to that effect that the present accused petitioner and the other two accused petitioners repeatedly raped the victim and made her pregnant.
5. Considering the seriousness of the crime, we are not inclined to exercise our discretion under Section 439 Cr.P.C in favour of the present petitioner especially when the evidence of the victim has not yet been recorded.
6. Accordingly, the prayer for bail of the petitioner stands rejected.

7. CRM (DB) 201 of 2024 is accordingly, disposed of.
8. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Soumen Sen, J)

(Partha Sarathi Sen, J)