

01.05.2024
Court No.01
Item No. 45

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

ar

CRM (A) 377 of 2024

In Re:- An application for bail under Section 438 of the Code of Criminal Procedure in connection with Sahebgunj Police Station Case No. 147 of 2024 dated 17.03.2024 corresponding to POCSO Case No. 17 of 2024 under Sections 6/17 of the Protection of Children from Sexual Offences Act.

And

In Re: **Dipes Kar @ Dipesh Kar**

Petitioner

Mr. Sudip Guha
Mr. Sandip Guha Roy

For the petitioner

Mr. Abhijit Sarkar
Ms. Namrata Das

For the State

1. It is submitted on behalf of the petitioner that the allegation as made out in the F.I.R shows that there was love relationship between the present accused petitioner and the victim girl and both of them are adolescent boy and girl.
2. While opposing the prayer of anticipatory bail, learned counsel for the State draws our attention to the statement of the victim as recorded under Section 164 Cr.P.C.
3. We find sufficient incriminating materials as against the present accused petitioner.
4. In view of such, we are not inclined to exercise our discretion under Section 438 Cr.P.C in favour of the present petitioner.
5. Accordingly, the prayer for anticipatory bail of the petitioner stands rejected.
6. CRM (A) 377 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)

(Partha Sarathi Sen, J)