

24.09.2024
DL-18
(Bail **Rejected**)
(AD)

Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side

CRM (DB) 488 of 2024

In re : An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973 presently under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Sessions Case No.07/2024 vide G.R. Case No.-3028 of 2022** arising out of **Banarhat** Police Station Case No.173 of **2022** dated **31.05.2022** under Sections **376(2)(n)/506** of the Indian Penal Code, 1860, now pending in the Court of the Learned Additional District Judge, 4th Court at Jalpaiguri.

-And-

In the matter of : Dayal Roy @ BabluPetitioner

Mr. Sourav Kundu

... .. For the Petitioner

Mr. Nilay Chakraborty, Ld. APP
Mr. Sagnik Sankar Sikdar

... ..For the State

1. Petitioner renews the prayer for bail.
2. This is the third application for grant of bail.
3. Change in circumstances canvassed is that, the victim and the wife of the petitioner are presently staying at the same house.
4. DNA test report establishes that, the child born to the victim is through the petitioner.
5. Materials in the case diary suggest that, the victim is mentally challenged.
6. Considering the gravity of the offence and the involvement of the petitioner in the incident, the change in circumstances canvassed is neither material nor any substantial change

warranting grant of bail to the petitioner. If at all, such change circumstances would only mean that if the petitioner is granted bail, he will be obtaining access to the victim and, therefore, may be prejudicing by affecting the trial.

7. In such circumstances, we are unable to grant bail to the petitioner.
8. Accordingly, the prayer for bail of the petitioner is rejected.
9. **CRM (DB) 488 of 2024** is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)