

**IN THE HIGH COURT AT CALCUTTA  
CIRCUIT BENCH AT JALPAIGURI  
APPELLATE SIDE**

04.01.2024  
JPD 18  
Sws.M  
**ct.1**

**C.R.M. (A) 1028 of 2023**

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973.

**Rejected**

In the matter of: Mr. Dipak Baruai

..... Petitioner

Mr. Pritam Roy  
Ms. Sunayna Prasad

...for the Petitioner

Mr. Aditi Shankar Chakraborty  
Mr. Sagnik Sankar Sikdar

...for the State

Heard Mr. Pritam Roy, learned counsel for the petitioner and Mr. Sagnik Sankar Sikdar, learned State Advocate for the opposite party.

This petition under Section 438 Cr.P.C. has been filed by the petitioner for anticipatory bail in connection with Alipurduar Case No. 415 of 2022 dated 17.08.2022 under Sections 363/365 of the Indian Penal Code read with Section 6 of the POCSO Act, in connection with Special Case No. 94 of 2022 pending in the Court of Additional Sessions Judge (Special Court), Alipurduar.

As per prosecution case, since 12.08.2022 the victim girl aged about 16 years was missing. The mother of the victim girl lodged missing complaint on 17.08.2022 with the Police Station Alipurduar which was registered as afore-stated. The

victim girl was recovered by the police on 21.08.2022 at about 23:30 Hrs. from the place mentioned in the memo of recovery which is part of the Case Diary produced before us by learned State advocate. The medical examination of the victim girl was conducted by the medical officer, Alipurduar District Hospital, Alipurduar in which a finding of sexual intercourse in the house of the accused person on 15.08.2022, at 00 Hrs., has been recorded.

We have heard learned counsel for the parties and carefully considered their submissions.

Considering the facts and circumstances of the case, the nature and gravity of accusation, we do not find it a fit case to grant anticipatory bail.

For all the reasons afore stated the bail petition being **CRM(A) 1028 of 2023** is **dismissed**.

Urgent certified copy of this order, if applied for, be supplied to the learned counsel for the respective parties.

**(Rai Chattopadhyay, J.)**

**(Surya Prakash Kesarwani, J.)**