

07.07.2025

Item No.76

Ct.No.02

rc.

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
CRIMINAL MISCELLANEOUS JURISDICTION**

C.R.M. (M) 162 of 2025

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure read with Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Kalimpong Police Station Case No. 125 of 2024 dated 09.10.2024.

And

In Re : **Bappa Roy**

... Petitioner

Ms. Sunayana Parveen

... for the Petitioner

Mr. Nilay Chakraborty

Mr. Dhiman Sil

... For the State

Affidavit of service filed by the petitioner is taken on record.

The victim is not represented despite service.

Learned counsel for the petitioner submits that there was a consensual relationship between the victim girl and the petitioner and no offence as alleged occurred at all. The petitioner is in custody for about 281 days.

Learned counsel for the State opposes the prayer for bail.

The petitioner has adduced evidence as PW-1 before the learned trial Court and has implicated the petitioner in

her evidence. The petitioner is a minor and her consent to the alleged physical relationship is irrelevant.

Considering the nature and gravity of the offence and prima facie involvement of the petitioner therein, prayer for bail is rejected at this stage.

Learned trial Court is directed to expedite the trial without granting any unnecessary adjournment to either of the parties.

The application for bail is, thus, disposed of.

Case Diary be returned.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)