

23.12.2019
tkm/ct 28
sl no. 148

C.R.M. 12097 of 2019

In Re : An application for bail under section 439 of the Code of Criminal Procedure filed on 18.12.2019 in connection with Dhupguri P.S case no. 173 of 2019 dated 20.5.2019 under sections 376(2)(i) of the IPC read with section 4 of the POCSO Act

And

In Re : Fatejul Haque @ Mojamil @ Lutfar petitioner

Mr. R S Chatterjee

Ms. P Shome

..... for the petitioner

Mr. P Ganguly

..... for the State

Petitioner is in custody for 225 days and it is submitted on behalf of the petitioner that he has been falsely implicated in the instant case.

Learned lawyer for the State opposes the prayer for bail and submits that the victim is a minor.

Having considered the materials in the case diary including the statement of the victim disclosing forcible penetrative sexual assault upon her by the petitioner, we are of the opinion that in view of the gravity of the offence this is not a fit case to grant bail to the petitioner at this stage.

Accordingly, prayer for bail is rejected.

Trial court is directed to consider the issue of framing of charge as expeditiously as possible without granting adjournment to either of the parties.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)