

CRM 6792 of 2020

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with Singur P.S. Case No.154 of 2020 dated 11.07.2020 under Sections 376/506 of the Indian Penal Code read with Section 4 of the POCSO Act.

And

In the matter of: **Hisabuddin @ Hisamuddin Mondal**

....Petitioner

Mr. Bitasok Banerjee

...for the Petitioner

Mr. Binay Kumar Panda
Ms. Pushpita Saha

...for the State

The petitioner undertakes to affirm and stamp the petition as per the Rules within one week of resumption of normal functioning of the court. The petition is taken up through video conference on the basis of such undertaking.

The petitioner says that the petitioner had an affair with the survivor and it is only upon the relationship going sour that a complaint has been lodged by the survivor's mother.

The statement of the survivor recorded under Section 164 of the Code is categorical. It does not appear from such statement of the 16-year-old girl that she had previously known the petitioner.

Though the petitioner insists that the medical report does not reveal any injury or even sexual intercourse, it is elementary that there need not be complete penetration or rupture of the hymen for a charge of rape to be made or to succeed. There is the undeniable fact

that the girl was a minor and the girl's statement does not corroborate the petitioner's version.

Considering the material against the petitioner, the prayer for bail is declined.

CRM 6792 of 2020 is disposed of.

(Sanjib Banerjee, J.)

(Aniruddha Roy, J.)