

November 05, 2020
srm/ARDR
(Serial No. 16)
Rejected

**CRM 8757 of 2020
(Via Video Conference)**

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Gazole Police Station case no. 216 of 2020 dated 18/05/2020 under Section 376 of the Indian Penal Code read with Section 4 of POCSO Act, 2012.

In Re : Rejaul Karim,

... petitioner

Mr. Kallol Mondal,
Mr. M. A. Sk.,

.....for the petitioner

Ms. Zareen N. Khan,
Mr. M.F. A. Begg,

....for the State.

The petitioner claims to be in custody for more than 160 days.

The charge is that the petitioner apparently raped a seventeen-year old girl and a younger sister of the survivor witnessed the act of the survivor being forcibly dragged to the petitioner's house by the petitioner.

The State relies on the statements of the survivor and her sister recorded under Section 164 of the Code. The survivor has alleged rape. The statement of the younger sister reveals that she ran to her residence and informed her mother, whereupon the mother rescued the survivor from the petitioner's house.

The petitioner, however, relies on the medical report which reveals no injury to the private parts of the survivor. The State says that since the complaint was filed a day later and the medical examination was conducted four days after the

incident, the injuries sustained were not apparent. However, the medical report indicates the hymen to be ruptured.

Considering the statements of the survivor and her younger sister, which appear to be quite in sync, the petitioner's prayer cannot be acceded to; particularly since no motive is ascribed for a false charge to be brought against the petitioner.

CRM 8757 of 2020 is disposed of.

(Arijit Banerjee, J.)

(Sanjib Banerjee, J.)