

10.12.2020  
Sl. No.29  
**akd**  
[Rejected]

**C. R. M. 10173 of 2020** [via video conferencing]

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 03.12.2020 in connection with Chanchal Police Station Case No. 41 of 2019 dated 22.01.2019 under Section 6 of the POCSO Act.

And

In Re: ***Soumen Mandal***

... .. Petitioner

Mrs. Sujata Das .. Advocate

... .. for the petitioner

Ms. Faria Hossain .. Advocate

Ms. Baisali Basu .. Advocate

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 118 days. It is further submitted that the allegation of penetrative sexual assault is not supported by medical evidence.

Learned advocate appearing for the State opposes the prayer for bail.

We have examined the statement of the victim categorically implicating the petitioner in the act of penetrative sexual assault. Her statement is also corroborated by other incriminating materials. In view of the aforesaid fact and the gravity of the offence, we are of the opinion that this is not a fit case to grant bail to the petitioner at this stage.

The application for bail is thus **rejected**.

**(Suvra Ghosh, J.)**

**(Joymalya Bagchi, J.)**