

07.12.2021
Sl. No.40
Aloke
[Rejected]

C. R. M. 5569 of 2021 [via video conferencing]

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 23.08.2021 in connection with Bhadreswar Police Station Case No. 227 of 2021 dated 19.06.2021 under Sections 376AB of the Indian Penal Code read with Section 6 of the POCSO Act.

And

In Re: **Krishna Nayek**

... .. Petitioner

Mr. Bitasok Banerjee

... .. for the petitioner

Mr. Bidyut Kr. Roy

Ms. Rita Datta

... .. for the State

It is submitted on behalf of the petitioner that the petitioner is in custody for about six months. It is submitted that the medical opinion does not support the allegations of penetrative sexual assault.

Learned advocate appearing for the State opposes the prayer for bail and submits that the statement of the victim is corroborated by her mother.

We have considered the materials on record. The statement of the victim girl is corroborated by her mother. The version of the doctor is a mere opinion and cannot overrule ocular version.

In view of the consistent ocular version of the victim and her mother, we are of the opinion that this is not a fit case to grant bail at this stage.

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

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)