

16.06.2022
Sl. No.24
akd
[Rejected]

C. R. M. (DB) 1495 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 20.05.2022 in connection with Santipur Police Station Case No. 819 of 2021 dated 10.10.2021 under Section 376(3) of the Indian Penal Code and Section 4 of the POCSO Act.

And

In Re: ***Jayanta Sarkar***

... .. Petitioner

Mr. Kallol Mondal
Mr. Krishan Ray
Mr. Subir Debnath
Ms. Roma Roy

... .. for the petitioner

Mr. R. K. Biswas
Mr. P. C. Podder

... .. for the de-facto complainant

Md. Anwar Hossain
Ms. Sreyashee Biswas

... .. for the State

Petitioner renews his prayer for bail.

It is submitted on behalf of the petitioner there is no allegation of rape in the medical papers.

Learned advocate appearing for the State opposes the prayer for bail and submits prayer for bail of the petitioner was rejected by a coordinate Bench of this court in March, 2022.

Learned advocate appearing for the de-facto complainant also opposes the prayer for bail.

We have considered the materials on record. There are allegations of penetrative sexual assault in the first information report which precedes the medical examination of the victim. Under such circumstances, absence of allegation of sexual assault in the medical papers is not a serious lacunae. Prayer for bail of the petitioner was

rejected earlier in March, 2022 and there is no change in circumstance since then. As a result, we are not inclined in granting bail to the petitioner at this stage.

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

Trial court is directed to expedite the trial and conclude the same at an early date.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)