

15.07.2022

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rejected

C.R.M.(DB) No. 1509 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kashipur Police Station Case No. 419 of 2021 dated 12.09.2021 under Section 376(2)(n) of the Indian Penal Code and Section 6 of the POCSO Act.

In Re : Mostakin Molla alias Rahul petitioner

Mr. Kaushik Gupta
Mr. Angshuman Chakraborty
Mr. Debayan Sen
Mr. Goutam Sardar
Mr. Goutam Malik
Ms. Shikha P. Chowdhury
Mr. Prosanto Sardar
... for the petitioner

Ms. Faria Hossain
Ms. Baisali Basu
... for the State

Petitioner renews his prayer for bail. Report is placed on record.

Learned Counsel appearing for the petitioner submits that he is in custody for ten months. It is further submitted that there is no allegation of penetrative sexual assault.

Learned Counsel appearing for the State opposes the prayer for bail. He submits that prayer for bail of the petitioner was rejected earlier.

We have considered the materials on record. Statement of the victim recorded under Section 164 of the Code of Criminal Procedure and in the light of other materials on record the

expression “atyachar” is required to be treated as an euphemism for penetrative sexual offence.

Keeping in mind the aforesaid circumstances of the case and gravity of the offence and as prayer for bail of the petitioner was rejected earlier, we are not inclined to grant bail to the petitioner.

The application for bail is, thus, rejected.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)