

17.06.2022
tkm/ct 28
sl no. 68

C.R.M. (DB) 1847 of 2022

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Nowda PS case no. 60/2022 dated 19.3.2022 under sections 448/354A(2)/376/511 IPC and sections 8/18 of the POCSO Act

And

In Re : Akhatar Molla @ Babu

..... petitioner

Mr. A Rahaman

..... for the petitioner

Mr. Prasun Datta

Mr. Subrato Roy

..... for the State

Petitioner is in custody for more than 90 days. It is submitted that there are contradictions in the statement of the minor.

Learned lawyer for the State opposes the prayer for bail.

We have considered evidence on record. Statement of the minor recorded under section 164 Cr.P.C. implicates the petitioner as the person who committed penetrative sexual assault on her. Purported contradictions in the statement of a minor victim of sexual violence particularly at the behest of a person in control i.e her own uncle requires to be assessed in the backdrop of the sensitivity and oppressive circumstances evident from the factual matrix of the case.

In view of the aforesaid incriminating materials on record and gravity of the offence, we are not inclined to grant bail to the petitioner at this stage.

Accordingly, the prayer for bail is rejected.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)