

11.07.2022
tkm/ct 28
sl no. 56

C.R.M. (DB) 2236 of 2022

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Tehatta PS case no. 291/2015 dated 9.7.2015 under sections 363/366A/34 IPC and section 4 of the POCSO Act

And

In Re : Jamal Sk

..... petitioner

Mr. Arnab Chatterjee
Mr. Amanul Islam
Mr. Sourav Mukherjee
Ms. D Biswas

..... for the petitioner

Mr. Binay Panda
Ms. Puspita Saha

..... for the State

Petitioner is in custody for 350 days. It is contended he is impotent.

Learned lawyer for the State opposes the prayer for bail and submits petitioner had absconded for seven years.

We have considered materials on record including the statement of the victim girl prima facie implicating the petitioner in the alleged offence of penetrative sexual assault. Medical examination of the petitioner in 2022 cannot be considered as a reliable indicator with regard to his potency at the time of occurrence.

In view of the aforesaid incriminating materials and the gravity of 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.)