

02.08.2022

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rejected

C.R.M.(DB) No. 2606 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Baishnabnagar Police Station Case No. 333 of 2022 dated 20.04.2022 under Sections 448/363/328/376D of the Indian Penal Code and Section 6 of the POCSO Act.

And

In Re : Alomgir Sk. & Ors. petitioners

Mr. Amitabha Karmakar

Mr. Arup Kumar Bhowmick

... for the petitioners

Mr. Prasun Kumar Dutta, learned APP

Mr. Santanu Deb Roy

... for the State

Learned Counsel appearing for the petitioners submits they are in custody for 102 days. It is also submitted that allegation of gang rape is not supported by medical evidence.

Learned Counsel appearing for the State opposes prayer for bail.

We have considered the materials on record including statement of the victim girl recorded under Section 164 of the Code of Criminal Procedure. From her statement it appears that she had been administered a white powder like substance and had become unconscious. As she was incapacitated, absence of injury *per se* would not rule out the allegation of gang rape.

In view of aforesaid incriminating materials on record and gravity of the offence, we are not inclined in granting bail to the petitioners.

The application for bail is, thus, rejected.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)