

31.08.2022

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sdas  
rejected

C.R.M.(DB) No. 2786 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Sonarpur Police Station Case No. 929 dated 06.11.2021 under Sections 376(2)(n)/506 of the Indian Penal Code and Section 6 of POCSO Act.

And

In Re : Sudip Ghosh ..... petitioner

Mr. Sabir Ahmed,  
Mr. Sandip Kumar Mondal  
... for the petitioner

Mr. Ranadeb Sengupta  
... for the State

Learned Counsel appearing for the petitioner submits he was unable to avail the order of interim bail as he could not arrange requisite sureties. He prays for bail on merits.

Learned Counsel appearing for the State opposes prayer for bail.

We have considered materials on record. Evidence of the minor victim implicates the petitioner. It is contended that medical report shows she was habituated sexual intercourse. It is trite prior sexual behaviour of the victim is no ground to disbelieve her accusation of penetrative sexual assault.

In view of the aforesaid, we are not inclined to grant bail to the petitioner.

The application for bail is, thus, rejected.

**(Ajay Kumar Gupta, J.)**

**(Joymalya Bagchi, J.)**

