

26.09.2022
tkm/ct 28
sl no. 33

C.R.M. (DB) 3236 of 2022

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with West Port PS case no. 75/2022 dated 8.4.2022 under section 4 of the POCSO Act, charge sheet submitted under section 6 of the POCSO Act

And

In Re : Md. Shamim Khan @ Sonu petitioner

Mr. A Sarkar

..... for the petitioner

Ms. Anasuya Sinha

Mr. Pinak Kr. Mitra

..... for the State

Petitioner is in custody for 152 days. It is submitted there is no injury on the minor.

Learned lawyer for the State opposes the prayer for bail.

We have considered the materials on record including the statement of the victim girl recorded under section 164 Cr.P.C. Statement of the victim read in the light of the FIR implicates the petitioner in the offence of penetrative sexual assault. Absence of injury *per se* would not improbabilise the allegation.

In view of the aforesaid incriminating materials and gravity of the offence, we are of the opinion that this is not a fit case to grant bail to the petitioner.

Accordingly, the prayer for bail is rejected.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)