

21.09.2022
as/ tkm/ct 28
sl no. 31

C.R.M. (DB) 3201 of 2022

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Kalilachak P.S case no. 486/2022 dated 12.5.2022 under sections 4/6 of the POCSO Act

And

In Re : Subhan Sk.

..... petitioner

Mr. Malay Bhattacharya

Ms. Monalisa Das

..... for the petitioner

Mr. Atif Ahmed Siddiqui

..... for the State

Petitioner renews his prayer for bail. It is contended minor victim was not examined on the date fixed.

Learned lawyer for the State opposes the prayer for bail.

We have considered the materials on record. Statement of the minor implicates the petitioner in the offence of penetrative sexual assault. His bail prayer was rejected earlier on merits.

In view of the aforesaid circumstances and gravity of the offence and as vulnerable witness has not yet been examined, we are not inclined to grant bail to the petitioner.

Accordingly, the prayer for bail is rejected.

Trial court is directed to take steps for examination of the minor victim at the earliest and conclude the same at an early date following the mandate under section 35(2) of the POCSO Act.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)