

21.09.2022
as/tkm/ct 28
sl no. 28

C.R.M. (DB) 3198 of 2022

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Pukhuria PS case no. 232/2022 dated 25.6.2022 under section 4 of the POCSO Act

And

In Re : Biswajit Ghosh @ Bishu petitioner

Mr. A K Samanta

..... for the petitioner

Mr. Prasun Kr. Datta

Mr. Nirupam Dhali

..... for the State

Petitioner is in custody for 88 days. It is submitted victim did not suffer injury. He prays for bail.

Learned lawyer for the State opposes the prayer for bail.

We have considered the materials on record. Statement of the minor victim implicates the petitioner in the offence of penetrative sexual assault. Absence of injury per se would not improbabilise the prosecution case.

In view of the incriminating materials on record and gravity of the offence, we are not inclined to grant bail to the petitioner.

Accordingly, the prayer for bail is rejected.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)