

23.09.2022
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rejected

C.R.M. (DB) No. 3229 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Airport Police Station Case No. 164 of 2022 dated 07.06.2022 under Sections 376(2)/506 of the Indian Penal Code and under Section 4 of the POCSO Act.

And

In Re : Goutam Roy petitioner

Mr. Robiul Islam
Mr. K. M. Hossain
Mr. Raju Mondal
Ms. Keya Sutradhar

... for the petitioner

Ms. Zareen N. Khan
Md. Kutubuddin

... for the State

Learned Counsel appearing for the petitioner submits he is in custody for 107 days. It is also submitted that allegation of rape is false and not supported by medical evidence. He prays for bail.

Learned Counsel appearing for the State opposes the prayer for bail and submits petitioner is a relation of the minor and had forcibly ravished her.

We have considered materials on record. Petitioner is the maternal uncle of the minor victim. She stated that the petitioner had forcibly ravished her. In view of the tender age of the child it is possible she was unable to resist which explains absence of injury on her person.

In view of the aforesaid incriminating materials and gravity of the offence, we are not inclined to grant bail to the petitioner at this stage.

The application for bail is, thus, rejected.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)