

24.11.2022.
28.
Ct.No.28
as
(Rejected)

C.R.M. (DB) 4114 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Nadial P.S. being FIR No.124 of 2018 dated 15.07.2018 under Sections 376(2)(i)(n)/376D of the Indian Penal Code and Section 6 of the POCSO Act.

In the matter of : Subho Sardar.

... Petitioner.

Mr. Soumik Ganguly,
Ms. Kakali Pal.

...for the Petitioner.

Mr. Prasun Kr. Datta, ld. A.P.P.,
Mr. Santanu Deb Roy.

...for the State.

Petitioner submits he had not raped the minor victim. DNA profile does not support the allegation of rape by the petitioner. He prays for bail.

Learned Advocate for the State opposes the prayer for bail. He submits petitioner was present when the minor was raped by co-accused.

We have considered the materials on record. This is a case of gang rape. Statement of the minor establishes presence of the petitioner at the time of rape.

In view of the aforesaid incriminating materials on record and as victim has not been examined as yet, we are not inclined to grant bail to the petitioner.

Accordingly, the prayer for bail of the petitioner is rejected.

Trial court is requested to expedite the trial and conclude the same at an early date without granting unnecessary adornments to either of the parties.

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)