

**CALCUTTA HIGH COURT  
IN THE CIRCUIT BENCH AT JALPAIGURI  
Appellate Jurisdiction**

**06.06.2022**  
**Serial no.53**  
[Dd]  
(Bail **Rejected**)

**CRM (DB) 168 of 2022**

In re : An Application for **Bail** under Section **439** of the Code of Criminal Procedure in connection with **Sessions (POCSO) Case No. 89 of 2020** arising out of **Dhupguri** Police Station Case No. **313 of 2020** dated **02.09.2020** under Sections **363/376DA** of the Indian Penal Code read with Section **6** of the POCSO Act.

-And-

**In the matter of : Rahimul Alam @ Dulu Alam**  
... ..Petitioner

*Mr. Kumar Shantanu, Advocate*  
... .. For the Petitioner

*Mr. Aditi Shankar Chakraborty, Id. APP*  
... ..For the State

Petitioner seeks bail.

Learned advocate appearing for the petitioner submits that the petitioner is not named in the statement recorded under Section 164 of the Criminal Procedure Code of the victim. He draws the attention of the Court to the medical examination report of the victim. He submits that the victim names only one person and that the petitioner is not named by the victim.

Learned advocate appearing for the State draws the attention of the Court to the statement of the victim recorded under Section 164 of the Criminal Procedure Code, medical report and the materials in the case diary.

In her statement the victim claims that she was ravished by two persons. The medical report of the victim, *prima facie*, corroborates her claim. The Doctor records the

name of one of the assailants in the medical report of the victim.

In the circumstances, considering the materials in the case diary, the statement of the victim recorded under Section 164 of the Criminal Procedure Code, her medical examination report, we are not inclined to grant bail to the petitioner.

Prayer for bail of the petitioner is **rejected**.

CRM (DB) 168 of 2022 is **dismissed**.

**(Debangsu Basak, J.)**

**(Bibhas Ranjan De, J.)**