

**In the High Court at Calcutta
Circuit Bench at Jalpaiguri
(Through Video Conference)**

26.07.2022
cm/ct 28

C.R.M. (DB) No. 267 of 2022

sl. no. 5

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with **Falakata P.S Case No. 601 of 2021** dated **15.11.2021** under Section **6** of the Protection of Children from Sexual Offences Act, 2012 read with Section 376AB of the Indian Penal Code, 1860.

Rejected

And

In Re : Iswar Chandra Das.

..... petitioner

Mr. Arnab Saha

..... for the petitioner

Mr. Aditi Shankar Chakraborty, Ld. A.P.P.

Mr. Ujjwal Luksom

Ms. Namrata Das

..... for the State

Petitioner is in custody for 234 days. He submits allegation of rape is not support by medical evidence.

Learned lawyer for the State opposes the prayer for bail. He submits bail prayer of petitioner was rejected earlier.

We have considered the materials on record including statement of the minor victim aged around seven years. Her statement recorded under Section 164 Cr.P.C. is corroborated by statements of other witnesses.

In view of the aforesaid overwhelming incriminating materials inconclusive nature of medical evidence is of little consequence.

Keeping in mind the aforesaid facts, gravity of the offence and as bail prayer of the petitioner was rejected earlier, we are not inclined to grant bail to the petitioner.

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

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)