

13.01.2023.
44.
Ct.No.28
as
(Rejected)

C.R.M. (DB) 122 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Chandernagore P.S. Case No.194 of 2022 dated 07.09.2022 under Sections 376(2)(d)(3)/307/354B/506 of the Indian Penal Code and Sections 4/6/8/12 of the POCSO Act.

In the matter of : Biswajit Ray @ Babu.

... Petitioner.

Mr. Ujjal Ray.

...for the Petitioner.

Ms. Faria Hossain,
Mr. Anand Keshari.

...for the State.

Petitioner is in custody for more than four months. It is submitted allegation of penetrative sexual assault is not supported by medical evidence. He prays for bail.

Learned Advocate for the State opposes the prayer for bail.

We have considered the materials on record. Survivor is a minor girl at the shelter home. She was exploited by the petitioner.

In view of the aforesaid incriminating materials and the vulnerable status of the Survivor who is yet to be examined, we are not inclined to grant bail to the petitioner at this stage.

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

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

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)

