

06.02.2023
Sl. No.26
akd
[Rejected]

C. R. M. (DB) 323 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 18.01.2023 in connection with Bhutni Police Station Case No.144 of 2022 dated 07.08.2022 under Sections 341/323/34 of the Indian Penal Code and Section 6 of the POCSO Act.

And

In Re: ***Selim @ Selim Sekh***

... .. Petitioner

Mr. Kazi Safiullah

... .. for the petitioner

Mr. Debabrata Chatterjee .. Id. Addl. Public Prosecutor

Mr. Santanu Chatterjee

... .. for the State

Affidavit-of-service is placed on record. Intimation by the Officer-in-charge is also placed on record.

It is submitted on behalf of the petitioner that there was a love affair between the parties.

Learned Additional Public Prosecutor opposes the prayer for bail and submits victim is a minor.

We have considered the materials on record. Though statement of the victim is exonerative in nature, medical papers show she was subjected to forcible sexual intercourse. Bail prayer of the petitioner was rejected earlier. Delay in the matter was due to abscondence of co-accuseds. Hence, 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.)

