

13.03.2023

91
sdas
rejected

C.R.M. (DB) No. 729 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Nazat Police Station Case No. 331 of 2022 dated 10.12.2022 under Section 376(2)(1) of the Indian Penal Code and Section 6 of the POCSO Act.

And

In Re : Sankar Patra petitioner

Mr. Ayan Basu

Mr. Sandip Kumar Mondal

Mr. Sumit Routh

Ms. Riya Das

... for the petitioner

Mr. S. S. Imam

Mr. S. Kundu

... for the State

Learned Counsel for the petitioner submits he is in custody for 123 days. It is also submitted allegation of forcible rape is not supported by medical evidence. He prays for bail.

Learned Counsel for the State opposes the prayer for bail and submits statement of the victim who is a mentally challenged girl shows she was forcibly raped by the petitioner.

We have considered the medical papers. She was provided medication on the next date of the incident. In view of the incriminating materials and gravity of the offence, 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.)

