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(AD)

28.02.2023

Court No.29

(Rejected)

C.R.M. (DB) 800 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with POCSO Case No.2 of 2018 arising out of **Mothabari** P.S. Case No.**167 of 2017** dated **15.10.2017** under Section **363** of Indian Penal Code, 1860 adding Section **4** of the Protection of Children from Sexual Offences Act, 2012.

And

In the matter of: Sariful Sk. @ Sariya

....petitioner.

Mr. Rana Mukhopadhyay

Mr. Rhitankar Mukhopadhyay

...for the petitioner.

Mr. S. S. Imam

Mr. S. Kundu

... for the State.

Petitioner prays for bail.

Affidavit of service filed in Court be taken on record.

None appears for the victim.

The victim recorded her statement under Section 164 of the Code of Criminal Procedure implicating the petitioner.

The medical examination report of the victim corroborates a claim of penetrative sexual assault.

Considering the gravity of the offence and the materials in the case diary, we are unable to grant bail to the petitioner.

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

C.R.M. (DB) 800 of 2023 is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)