

13.04.2023.
35.
Ct.No.28
as
(Rejected)

C.R.M. (DB) 1437 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Baishnabnagar P. S. Case No.881 of 2022 dated 10.10.2022 under Sections 363/365 of the Indian Penal Code read with Section 8 of the POCSO Act.

In the matter of : Mobarak Hossain.

... Petitioner.

Ms. Minoti Gomes,
Mr. Kausik Biswas.

...for the Petitioner.

Mr. Abhra Mukherjee,
Mr. Dipankar Mahata.

...for the State.

Heard the learned Advocates for the parties. It is contended victim is present in person and contends that she and her family members are being threatened.

We have considered the materials on record. Statement of the minor recorded under Section 164 of the Code of Criminal Procedure implicates the petitioner in the offence of penetrative sexual assault.

Under such circumstances, we are not inclined to grant bail to the petitioner.

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

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)

