

27.03.2023
Sl. No.37
akd
[Rejected]

C. R. M. (DB) 968 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 22.02.2023 in connection with Pandua Police Station Case No.462 of 2022 dated 06.10.2022 under Section 376AB of the Indian Penal Code read with Section 6 of the POCSO Act.

And

In Re: ***Abhijit Dhar @ Poku @ Patai***

... .. Petitioner

Md. Sabir Ahmed
Mr. Suman Chakraborty
Ms. Suman Biswas

... .. for the petitioner

Mr. Gaganjyot Singh
Sk. Sahid Hossain

... .. for the de-facto complainant

Mr. Tanmoy Kr. Ghosh
Mr. Arindam Sen

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 100 days. It is further submitted there is dichotomy in the statement of the minor with other evidence including the medical evidence.

Learned Advocate for the State opposes the prayer for bail.

Learned Advocate for the de-facto complainant also opposes the prayer for bail.

We have considered the materials on record. Statement of the minor shows petitioner had disrobed her and did 'bad thing' to her. Euphemistic expression with regard to penetrative sexual assault in her statement and other documents cannot be a ground to exonerate the petitioner. In view of the aforesaid incriminating materials, 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.)

