

28.03.2023

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sdas
rejected

C.R.M. (DB) No. 1010 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Berhampore Police Station Case No. 1380 of 2022 dated 17.10.2022 under Sections 448/376/506 of the Indian Penal Code and Section 4 of the POCSO Act.

And

In Re : Ashim Sk. @ Wasim Sk. petitioner

Mr. Arnab Chatterjee

Ms. Poulami Bose

Ms. Dhanasree Biswas

... for the petitioner

Mr. Tanmoy Kr. Ghosh

Ms. Sonali Bhar

... for the State

Let affidavit-of-service filed in Court be placed on record.

Nobody appears for the victim.

We have considered the materials on record. Victim is a minor. She alleges she was forcibly raped by the petitioner. On the other hand, petitioner disputes the paternity of the child. Such plea requires to be assessed in the course of trial. Under such circumstances and in view of gravity of the offence, we are not inclined to grant bail to the petitioner.

The application for bail is, thus, rejected.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)

