

29.03.2023
ct 28/tkm
sl no.56

C.R.M. (DB) 1216 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Nowda P.S case no. 60 of 2022 dated 19.3.2022 under sections 448/354A(2)/376/511 IPC and sections 8/18 of the POCSO Act

And

In Re : Akhatar Molla @ Babu

..... petitioner

Mr. Arnab Chatterjee
Mr. A Rahman
Mr. D Biswas
Ms. P Bose

..... for the petitioner

Mr. Prasun Datta
Mr. Pradipto Ganguly

..... for the State

Mr. Somnath Adhikary

..... for the de facto complainant

Heard learned lawyers for the parties.

We have considered the materials on record. Statement of the minor implicates the petitioner in the offence of penetrative sexual assault. Petitioner is the uncle of the minor. She has not been examined as yet.

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

Hence, application for bail is rejected.

Trial court is directed to consider the issue of framing of charge at the earliest and immediately thereafter examine the minor without unnecessary delay.

Parties shall communicate the order to the trial court for necessary compliance.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)