

14.06.2023

Sl. 24

Court No. 29

Sourav

(Rejected)

C.R.M. (DB) 2241 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with G.R. Case No. **2401** of **2022** arising out of **Joypur** Police Station Case No. **143** of **2022** dated **10.10.2022** under Sections **448/376(2)(j)/376(2)(I)** of the Indian Penal Code.

And

In the matter of: **Swapan Bag**

....petitioner.

Mr. Subhasish Pachhal

...for the petitioner.

Ms. Anasuya Sinha

Mr. Pinak Kumar Mitra

...for the State.

1. Heard learned Counsel for the parties.
2. Considered the materials placed by the learned Counsel for the parties including the statement of the victim recorded under Section 164 Cr.P.C.
3. The victim is admittedly a mentally retarded person. She is stated to have been terrified by the action of the petitioner. Though there is no allegation of any penetrative assault, there is specific allegation of touching of private parts and breast of the victim.
4. Regard being had to such facts and submissions and the amendment incorporated in Section 375 I.P.C., we are not inclined to exercise the discretion in favour of the petitioner at this stage. However, the petitioner shall have liberty to renew his prayer for bail before the Sessions Judge after examination of the victim.

5. Accordingly, the prayer for bail is rejected.
6. The application being **CRM (DB) 2241 of 2023** is dismissed.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

