

25.07.2023

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rejected

C.R.M. (DB) No. 2948 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Hasnabad Police Station Case No. 340 of 2021 dated 02.06.2021 under Section 4 of the POCSO Act read with Sections 341/376/506/34 of the Indian Penal Code.

And

In Re : Mosaraf Ali Mondal @ Mosa petitioner

Mr. Ali Ahsan Alamgir

Ms. Soma Mal

Ms. June Modak

... for the petitioner

Mr. Avishek Sinha

... for the State

Learned Counsel for the petitioner submits he is in custody for more than two years. It is also submitted that the victim is a major and the allegations are false. He prays for bail.

Learned Counsel for the State opposes the prayer for bail.

We have considered the materials on record. Victim alleges she has been forcibly raped. Her deposition is yet to be recorded. Under such circumstances, we are not inclined to grant bail to the petitioner.

The application for bail is, thus, rejected.

Trial court is directed to record deposition of the victim at the earliest.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)

