

31.08.2023.  
38.  
Ct.No.28  
as  
(Rejected)

**C.R.M. (DB) 3420 of 2023**

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Gangnapur P.S. Case No.26 of 2023 dated 21.01.2023 under Section 6 of the POCSO Act.

In the matter of : Saidul Mondal @ Sahidur Ali Mondal.  
... Petitioner.

Mr. Chittaranjan Ray.  
...for the Petitioner.

Mr. Binay Panda,  
Ms. Puspita Saha.  
...for the State.

1. Petitioner submits allegation of rape is not supported by medical evidence. He prays for bail.
2. Learned Advocate for the State opposes the bail prayer.
3. We have considered the materials on record. Statement of the minor victim implicates the petitioner in the crime of penetrative sexual assault. Victim is a minor and absence of injuries by itself cannot be a ground to improbabilise her version.
4. Under such circumstances and in view of gravity of offence, we are not inclined to grant bail to the petitioner.
5. Accordingly, the prayer for bail of the petitioner is rejected.

**(Gaurang Kanth, J.)**

**(Joymalya Bagchi, J.)**