

20.09.2023.
44.
Ct.No.28
as
(Rejected)

C.R.M. (DB) 3666 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Nazat P.S. Case No.217 of 2018 dated 06.08.2018 under Section 376(2)(1) of the Indian Penal Code and Section 6 of the POCSO Act.

In the matter of : **Mojaffar Gazi.**

... Petitioner.

Md. Shahjahan Hossain,
Mr. P. Biswas.

...for the Petitioner.

Mr. Saibal Bapuli, Id. A.P.P.,
Mr. Bibaswan Bhattacharya.

...for the State.

Mr. Sabyasachi Bhattacharjee.

...for the de-facto complainant.

1. Petitioner submits there is family dispute. He has been falsely implicated. He prays for bail.
2. Learned Advocate for the State opposes the bail prayer.
3. We have considered the materials on record. A three and half year old girl was subjected to penetrative sexual assault. Credibility of the prosecution case is bolstered by the medical evidence which shows injuries on the victim.
4. Hence, we are not inclined to grant to bail to the petitioner.
5. Accordingly, the prayer for bail of the petitioner is rejected.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)