

26.09.2023

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sdas
rejected

C.R.M. (DB) No. 3731 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Sonarpur Police Station Case No. 241 of 2021 dated 05.04.2021 under Sections 376AB/376(3)/506 of the Indian Penal Code and under Section 6 of the POCSO Act.

And

In Re : Ramanlal Sahu @ Raman Sahu petitioner

Mr. Uday Sankar Chattopadhyay
Ms. Trisha Rakshit
Mr. Rajashree Tah
Ms. Aishwarya Datta

... for the petitioner

Mr. Noguive Ahamed, learned APP
Ms. Amita Gaur

... for the State

1. Learned Counsel for the petitioner submits victim has not yet been examined. He renews his bail prayer.

2. Learned Counsel for the State submits date has been fixed for examination of the victim.

3. We have considered the materials on record. Victim stated she had been subjected to penetrative sexual assault by the petitioner. She is a minor. In view of gravity of the offence and as bail prayer of the petitioner was rejected earlier, we are not inclined to grant bail to him.

4. The application for bail is, thus, rejected.

5. Trial court is directed to ensure that the victim is positively examined on the next date fixed and if it is unable to

do so due to circumstances beyond control then positively within one month thereof without granting unnecessary adjournment to either of the parties.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)