

05.10.2023
Sl. No.25
akd
[Rejected]

C. R. M. (DB) 3821 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 26.09.2023 in connection with Chhatna Police Station Case No.90 of 2023 dated 27.07.2023 under Sections 376(2)(n)/376(3)/506 of the Indian Penal Code and Section 6 of the POCSO Act.

And

In Re: ***Krishna Nanda Banerjee***

... .. Petitioner

Mr. Soumik Ganguli
Ms. Chandana Chakraborty

... .. for the petitioner

Mr. Swapan Banerjee
Mr. Suman De

... .. for the State

1. It is submitted on behalf of the petitioner that he is the teacher of the minor victim. It is further submitted allegation of penetrative sexual assault is not supported by medical evidence. Accordingly, he prays for bail.
2. Learned Advocate for the State produces the case diary.
3. We have considered the materials on record including the statement of the minor. She stated petitioner took advantage of his fiduciary position and committed penetrative sexual assault upon her. Keeping in mind the tender age and vulnerability of the minor it is possible she was unable to resist and no injuries were caused. Absence of injuries *per se* will not improbabilise the allegations. Under such circumstances, we are not inclined to grant bail to the petitioner at this stage.
4. The application for bail is thus rejected.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)

