

10 08.12.2023
(AD) Court No.5
(Rejected)

C.R.M. (DB) 4382 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **New Town** P.S. Case No.**268 of 2023** dated **28.08.2023** under Sections **363/365/34** of the Indian Penal Code read with Section **6** of the Protection of Children from Sexual Offences Act, 2012 (Corresponding to Special Case No.148 of 2023).
And

In the matter of: Kamal Chowdhury

....petitioner.

Mr. Dipanjan Chatterjee
Ms. Busra Khatun

...for the petitioner.

Mr. Pravas Bhattacharyya
Mr. M.F.A. Begg

... for the State.

Service on the victim is complete as claimed on behalf of the petitioner.

Service filed in Court in envelop be taken on record.

Petitioner prays for bail.

Learned Advocate appearing for the petitioner submits that, the petitioner is in custody in excess of 60 days.

Police filed charge sheet and, therefore, further detention of the petitioner is not required.

Learned Advocate appearing for the State draws the attention of the Court to the materials in the case diary including the statement of the victim recorded under Section

164 of the Code of Criminal Procedure and the medical examination report.

The victim was aged about 14 years at the time of the incident.

In her statement recorded under Section 164 of the Code of Criminal Procedure she speaks about penetrative sexual assault being committed by the petitioner on her.

The claim of penetrative sexual assault apparently stands corroborated by the medical examination report of the victim.

Considering the gravity of the offence and the involvement of the petitioner as transpiring from the materials in the case diary, we are unable to grant bail to the petitioner.

Accordingly, the prayer for bail of the petitioner is rejected.

C.R.M. (DB) 4382 of 2023 is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)