

19.12.2023

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rejected

C.R.M.(DB) No. 4539 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Sagarpara Police Station Case No. 354 of 2022 dated 25.12.2022 under Sections 448/376AB/376(2)(I)/506 of the Indian Penal Code and Section 6 of the POCSO Act.

And

In Re : Hannan Sk. Petitioner

Mr. Soumyajit Das Mahapatra

Mr. Tapodip Gupta

....for the petitioner

Mr. Parthaprati Das

Ms. Sayanti Santra

..... for the State

1. Learned Counsel for the petitioner submits medical evidence does not support the allegation of rape.

2. Learned Counsel for the State opposes the prayer for bail.

3. We have considered the materials on record. Statement of minor girl implicates the petitioner in the offence of penetrative sexual assault. Lack of corroboration from the medical evidence is not always fatal. Under such circumstances and in view of gravity of the offence, we are not inclined to grant bail to the petitioner.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)