

20.12.2023.
115.
Ct.No.28.
as
(Partly
Allowed)

C.R.M. (DB) 4635 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Deganga P.S. Case No.617 of 2022 dated 23.09.2022 under Sections 363/366/376DA of the Indian Penal Code and Section 6 of the POCSO Act.

In the matter of : **Alauddin & Anr.**

.... Petitioners.

Mr. S. K. Humayan Reza.

...for the Petitioners.

Ms. Amita Gaur.

...for the State.

1. Petitioner No.1 does not wish to press this application.
2. Accordingly, the application for bail of petitioner No.1 is dismissed as not pressed.
3. We have examined the evidence of the victim. Though she was declared hostile and cross-examined, we note that she admitted her statement before Magistrate recorded under Section 164 of the Code of Criminal Procedure. There are medical papers supporting the allegation of rape.
4. Under such circumstances, we are not inclined to grant bail to the petitioner No.2.
5. Accordingly, prayer for bail of the petitioner No.2 is rejected.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)

