

20.12.2023
Sl. No.89
akd
[Rejected]

C. R. M. (DB) 4605 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 05.12.2023 in connection with Mothabari Police Station Case No.460 of 2022 dated 03.12.2022 under Sections 363/365/417/109 of the Indian Penal Code read with Sections 4/8/17 of the POCSO Act.

And

In Re: **Sentu Sk.**

... .. Petitioner

Mr. Rana Mukhopadhyay

... .. for the petitioner

Mr. Prasanna Kumar Dutta

Ms. Sayanti Santra

... .. for the State

1. It is submitted on behalf of the petitioner that medical report does not support the allegation of the victim. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail.
3. We have considered the materials on record. Victim was a minor and was subjected to penetrative sexual assault. She has supported the prosecution case. Absence of injuries do not *per se* improbabilise her version. Under such circumstances and in view of gravity of the offence, we are not inclined to grant bail to the petitioner at this stage.
4. The application for bail is thus rejected.
5. Trial court is directed to expedite the trial and conclude the same at an early date.
6. Parties shall communicate a copy of this order to the trial court for due compliance.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)

