

21.12.2023.
68.
Ct.No.28
as
(Rejected)

C.R.M. (DB) 4695 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Minakhan P. S. Case No.102 of 2019 dated 04.05.2019 under Sections 363/365/34 of the Indian Penal Code and adding Section 376D of the Indian Penal Code and Section 6 of the POCSO Act and charge sheet submitted under Sections 363/365/376D/34 of the Indian Penal Code and Section 6 of the POCSO Act.

In the matter of : **Sk. Niyamtulla @ Sk. Niyamatullah.**
... Petitioner.

Mr. Tapas Kr. Ghosh,
Mr. Tanmoy Chowdhury,
Mr. K. Das.

...for the Petitioner.

Mr. Debasish Roy, ld. P.P.,
Mr. Navanil De.

...for the State.

1. Petitioner contends there is a departure in the statement of the victim from the allegation in FIR. Accordingly, he prays for bail.

2. Learned Advocate for State opposes the bail prayer.

3. We have considered the materials on record. FIR was registered by the grandmother of the victim. On the other hand victim categorically implicated the petitioner in the offence of penetrative sexual assault. She has not yet been examined.

4. Under such circumstances and in view of gravity of offence, we are not inclined to grant bail to the petitioner at this stage.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)