

09.01.2024
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rejected

C.R.M.(DB) No. 39 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Mahisadal Police Station Case No. 609 of 2023 dated 17.09.2023 under Section 376AB of the Indian Penal Code and Section 6 of the POCSO Act.

And

In Re : Sk. Safijul Ali Petitioner

Mr. Amitabha Karmakar
Mr. Arup Kumar Bhowmick
....for the petitioner

Mr. Debasish Roy, learned PP
Ms. Sreyashee Biswas
..... for the State

1. Learned Counsel for the petitioner submits there is a family dispute. Petitioner is the grandfather of the victim. He has been falsely implicated in the case. He prays for bail.

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

3. We have considered the materials on record. Victim is a ten year old child. Her statement implicates the petitioner in the offence of penetrative sexual assault. Vulnerable witnesses are yet to be examined. 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.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)