

15.03.2024
Sl. No.29
akd
[Rejected]

C. R. M. (DB) 648 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 08.02.2024 in connection with ECPS Case No.125 of 2023 dated 25.07.2023 under Section 376(2)(f) of the Indian Penal Code and Sections 4/6/8 of the POCSO Act.

And

In Re: ***Sumanta Mondal***

... .. Petitioner

Mr. Subir Banerjee

... .. for the petitioner

Mr. Avishek Sinha

... .. for the State

1. It is submitted on behalf of the petitioner that he is a sexagenarian and has been falsely implicated due to disputes between the families. No injury was noted on 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 including the statement of the minor victim. She stated petitioner had taken her away and subjected her to penetrative sexual assault. Absence of injury is not a *sine qua non* to establish the charge of rape. No material is placed on record to probabalise the theory of enmity resulting in false implication. Under such circumstances and in view of the gravity of offence, we are not inclined to grant bail to the petitioner at this stage.
4. The application for bail is thus rejected.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)

