

03.04.2024
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rejected

C.R.M.(DB) No. 973 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Berhampore Police Station Case No. 1850 of 2023 dated 25.12.2023 under Sections 376(2)(f)/506 of the Indian Penal Code and Section 6 of the POCSO Act.

In Re : Mrinalkanti Chatterjee And
.... petitioner

Mr. Ranadeb Sengupta
Mr. Sachit Talumdar
....for the petitioner

Mr. Soumik Ganguly
Ms. Mamata Jana
... for the State

Mr. Kingsuk Mondal
... for the de facto complainant

1. Learned Counsel for the petitioner submits allegation of subjecting the minor to penetrative sexual assault is patently absurd. After the incident she did not raise protest but took tuition from the petitioner. He prays for bail.

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

3. Learned Counsel for the de facto complainant submits petitioner was the private tutor of the minor and had violated her.

4. We have considered the materials on record. Petitioner was in a fiduciary position to the minor victim. Judged

from that background it is probable the minor victim was unable to protest and continued to remain in the coaching class even after the incident. She has not yet been examined. Under such circumstances, we are not inclined to grant bail to the petitioner at this stage.

5. Application for bail is, thus, rejected.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)