

12.04.2024
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sdas
rejected

C.R.M.(DB) No. 1073 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Islampur Police Station Case No. 299 of 2023 dated 25.07.2023 under Sections 363/365/376 of the Indian Penal Code read with Section 4 of the POCSO Act.

And

In Re : Nayem Sk. @ Naim Sk. petitioner

Md. Golam Nure Imrohi

....for the petitioner

Mr. Debasish Roy, learned PP

Ms. Baisali Basu

Mr. Debanshu Ghorai

... for the State

1. Learned Counsel for the petitioner submits victim was pregnant prior to the incident of rape. It is also submitted DNA profile is inconclusive. Accordingly, he prays for bail.

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

3. We have considered the materials on record. We have examined the statement of the minor victim. She stated petitioner and others had kidnapped and raped her. The aforesaid allegation is not rendered improbable in light of prior pregnancy of the victim. Accordingly, we are of the opinion there are sufficient incriminating materials implicating the petitioner in the alleged offence. Hence, we are not inclined to grant bail to the petitioner.

4. The application for bail is, thus, rejected.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)