

21.02.2024
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rejected

C.R.M.(DB) No. 4432 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kanksa Police Station Case No. 231 of 2022 dated 06.07.2022 under Section 376(2)(f) of the Indian Penal Code read with Section 6 of the POCSO Act.

And
In Re : Sagar Bagdi Petitioner

Mr. Amajit De
Ms. Shakshi Rathi
Mr. Pradipta Nath
....for the petitioner

Mr. Prasun Kumar Datta, learned APP
Mr. Santanu Deb Roy
..... for the State

1. Heard the learned Counsels for the parties.
2. Evidence of the minor is placed on record. Minor stated petitioner had forcibly inserted his finger into her private parts. She suffered injury and was treated at the Block Primary Health Centre (BPHC). It is contended there is delay in lodging FIR. In view of the nature of the offence alleging penetrative sexual assault on a minor, delay in lodging FIR cannot be the sole ground to improbabilise the prosecution case.
3. Accordingly, we are not inclined to grant bail to the petitioner.
4. The application for bail is, thus, rejected.
5. Trial court is directed to conduct the trial expeditiously and conclude the same at an early date keeping in mind the statutory mandate under Section 35(2) of the POCSO Act.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)