

07.03.2025
Item No.244
Monthly List
Court No. 26
CHC
(dismissed)

CRM (DB) 4328 of 2024

In re : An Application for **Bail** under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Chapra Police Station Case No.791 of 2024 dated 01.08.2024 under Section 65(2) B.N.S. and Section 6 of POCSO Act.

-And-

In the matter of : **Aroj Biswas**

... ..**Petitioner**

Mr. Apurba Kumar Dutta, Advocate
Mr. Md. Baharuzzaman, Advocate
... .. For the Petitioner

Mr. Sandip Chakraborty, Advocate
Mr. Shashanka Shekhar Saha, Advocate
... .. For the State

1. Petitioner prays for bail.
2. Learned advocate appearing for the petitioner submits that, the petitioner is in custody for 172 days. Police filed charge sheet and therefore, further detention of the petitioner is not required.
3. Learned advocate appearing for the State draws the attention of the Court to the materials on record in the Case Diary including the statement of the victim recorded under Section 164 of the Criminal Procedure Code and the medical report.

4. Petitioner was initially enlarged on interim bail by the coordinate Bench on the ground of death of his mother. He is presently in custody.
5. A minor of 5 years implicates the petitioner in sexual assault.
6. Medical examination report of the minor discloses that, the minor was suffering from painful urination and painful defecation. Doctor noted that, there were redness and swelling at the private parts and that, the victim was complaining of genital pain. Doctor also noted redness swelling at the Posterior Fourchette and Fossa Navicularis.
7. Considering such medical examination on record, the gravity of the offence and the involvement of the petitioner and considering the age of the victim we not inclined to grant bail to the petitioner.
8. CRM(DB) 4328 of 2024 is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)