

26.02.2025
89
Court No.26
S.D.
Rejected

CRM (DB) 4405 of 2024

In re: An Application for **Bail** under Section **439** of the Code of Criminal Procedure, 1973 read with Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Habibpur** Police Station Case No. **0279** of **2022** dated **24.08.2022** under Sections **376AB** of the Indian Penal Code read with Section 6 of POCSO Act.

-And-

In the matter of: Mantri Kisku

... .. Petitioner

Mr. Kazi M Rahman
... .. For the Petitioner

Mr. Sandip Chakraborty
Mr. Abhishek Verma
... ...For the State

Petitioner prays for bail.

Learned advocate appearing for the petitioner submits that, the petitioner is in custody in excess of 2 years and 06 months. Out of 15 prosecution witnesses, only two were examined at the trial. The victim in the cross-examination stated that she was tutored.

Learned advocate appearing for the State draws the attention of the Court to the materials on record. He submits that, a minor of three years old suffered penetrative sexual assault at the behest of the petitioner.

Petitioner is standing trial for penetrative sexual assault of a minor.

Victim deposed at the trial. Not only in the examination-in-chief, but also in cross-examination, the victim implicates the petitioner in penetrative sexual assault.

In such circumstances, we are not inclined to grant bail to the petitioner and the prayer for bail of the petitioner is rejected.

The application being **C.R.M. (DB) 4405 of 2024** stands dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)