

17.11.2020
SL No.41
Court No.12
(gc)

CRM 7987 of 2020

(Via Video Conference)

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Cooch Behar Sadar Women** P.S. Case No.**56/2020** dated **14.06.2020** under Section **376(2)(I)** of the Indian Penal Code.

And

In the matter of: **Dilip Kumar Dutta @ Jantu @ Jayanta Dutta**
....Petitioner.

Mr. Hillol Saha Podder

...for the Petitioner.

Mr. Aditi Shankar Chakraborty, Ld. A.P.P.,

Mr. Ujjwal Luksom,

Mr. Biswarup Roy,

...for the State.

The petitioner undertakes to affirm and stamp the petition/application as per Rules within 48 hours of resumption of normal functioning of the Court. Subject to such undertaking, the application is taken up for hearing through video conference.

It appears from the Case Diary and the materials on record made available to us that the accused seems to have called the victim in his house and alleged to have committed rape. It further appears that the victim is a physically challenged lady.

Considering the nature and gravity of the offence and having regard to the fact that the witness action is going to commence soon as it appears from the order dated 30th September, 2020, we are not inclined to release the petitioner on bail at this stage. However, we direct the learned Additional Sessions Judge, 2nd Court, Cooch Behar to proceed with the trial on the date fixed without granting any unnecessary adjournment

to either of the parties. It is submitted that the chemical examination report is not yet available.

The prosecution is directed to take steps immediately in the event such report is not yet obtained to obtain the same without any further delay.

Accordingly, the application for bail being CRM 7987 of 2020 is rejected.

All parties are to act on a website copy of this order on the usual undertaking.

(Saugata Bhattacharyya, J.)

(Soumen Sen, J.)