

18.11.2020

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Ct-16

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C.R.M. 8861 of 2020

(Via Video Conference)

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with Salar P.S Case No. 65 of 2020 dated 18.03.2020 under Sections 376 of the Indian Penal Code and under Section 4 of the Protection of Children from Sexual Offences Act.

And

In the matter of: Arif Sk.

...Petitioner.

Sk. Jalaluddin

... For the Petitioner

Mr. Arijit Ganguly

Mr. Sanjib Kumar Dan

... For the State

The petitioner undertakes to appropriately affirm and stamp the petition as per the Rules within one week of resumption of normal functioning of the Court. The petition is taken up through video conference on the basis of such undertaking.

The petitioner claims that there is no basis to the petitioner's arrest and even the statement of the survivor may not assist the prosecution.

The State relies on the statement of the survivor recorded under Section 164 of the Code. The statement is clear and categorical. The survivor was returning from a fair and claims that at a dark place where the survivor could not see the face of the assailant, he raped her from behind. The statement records that following the survivor raising a hue and cry, the assailant fled but was apprehended by others who heard the survivor's cries and the person was identified as the petitioner herein.

In the light of such statement, the petitioner's prayer appears to be unworthy.

CRM 8861 of 2020 is dismissed.

(Sanjib Banerjee, J.)

(Aniruddha Roy, J.)