

75 22.12.2020
ss Rejected

C.R.M. 10650 of 2020
(Through Video Conference)

In the matter of : An application for bail under section 439 of the Code of Criminal Procedure in connection with Mahishadal P.S. Case No. 171 of 2020 dated 26.09.2020 under sections 376D/376(2)(n) of the Indian Penal Code and section 6 of the Protection of Children from Sexual Offences Act.

And

In the matter of : Sk. Owasim Aktar @ Sk. Wasimul @ Owasim Aktar

Mr. Suman De

... ... for the petitioner

Mr. Saswata Gopal Mukherjee, PP

Mr. Partha Pratim Das

Ms. Manasi Roy

... ... for the State

It is submitted on behalf of the petitioner that there is considerable delay in lodging the FIR. Victim had a relationship with one of the accused persons. Petitioner is in custody for 87 days.

Learned lawyer for the State submits co-accused called the victim to the spot. Thereupon, she was gang raped by petitioner and others.

We have considered the materials on record including the statement of the victim recorded under section 164 Cr.P.C. She speaks of forcible sexual intercourse by the petitioner and others.

In view of the gravity of the offence, we are of the opinion this is not a fit case to grant bail to the petitioner at this stage.

The application for bail is, thus, rejected.

The parties shall act in terms of the copy of the order downloaded from the official website of this court.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)