

08.03.2021
Item No.32
Ct.No.28
Subha
rejected

C.R.M. 698 of 2021

(Via Video Conference)

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure.

And

In the matter of : **Rabiul Mondal @ Babusona & Anr.** ...
Petitioners.

Mr. Mrinal Kanti Mukherjee

... For the Petitioners.

Ms. Sukanya Bhattacharya

Mr. Nirupam Dhali

... For the State.

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioners in connection with Ashok Nagar P.S. Case No. 186 of 2020 dated 13th March, 2020 under Sections 376(d) of the Indian Penal Code (G. R. Case No. 539 of 2020).

The learned advocate appearing for the petitioners submits that the petitioners have been falsely implicated. The allegations levelled against them are unfounded and co-accused persons have already been enlarged on bail. The petitioners are on a better footing. Upon competition of investigation, charge sheet has also been submitted and as

such further detention of the petitioners, who are in custody for about 360 days, is not warranted.

Ms, Bhattacharya, learned advocate appearing for the State opposes the petitioners' prayer for bail and draws the attention of this court to the contents of the complaint and the statement of the victim lady as recorded under Section 164 of the Code.

Having heard the learned advocates and considering the materials in the case diary, the gravity of the offence and the extent of complicity of the petitioners in the alleged offence, we are not inclined to exercise any discretion in favour of the petitioners. As such, the petitioners' prayer for bail is refused at this stage.

The application for bail being CRM 698 of 2021 is, accordingly, disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)