

02.06.2021

Court No.28
rpan / 30

CRM 2228 of 2021

(Via video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure ;

And

In Re : **Rafikul Sk**

Petitioner.

Ms. Karabi Roy

... for the Petitioner.

Mr. Saswata Gopal Mukherjee, Ld. P.P.,

Ms. Faria Hossain,

Mr. Aniket Mitra,

... for the State.

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Santipur Police Station Case No.26 of 2021 dated 08.01.2021 under Section 376 of the Indian Penal Code.

Ms. Roy, learned advocate appearing for the petitioner, submits that the petitioner has been falsely implicated. The allegations levelled against him are in the abstract and the same do not stand supported with appropriate materials. The daughter of the *de facto* complainant used to work as a weaver under the petitioner. She demanded money from the petitioner and when the same was objected to, the petitioner and his wife were assaulted and certain commodities were stolen. Such fact was reported by the petitioner's wife upon lodging a complaint. A copy of the said complaint has been annexed to the application. She further submits that upon completion of investigation, charge sheet has also been filed and since there is no possibility towards

early conclusion of the trial, further detention of the petitioner, who is in custody since 08.01.2021, is not warranted in the facts and circumstances of the case.

Mr. Mitra, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statements of the victim as recorded under Section 164 of the Code and other documents in the case diary.

Having heard the learned advocates and considering the materials in the case diary, the gravity of the offence, the statements as recorded under Section 164 of the Code, the injury report and the extent of complicity of the petitioner in the alleged offence, we are not inclined to exercise discretion in his favour. As such, his prayer for bail is refused at this stage.

The application for bail, being CRM 2228 of 2021, is dismissed.

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

(Shampa Sarkar, J.)

(Tapabrata Chakraborty, J.)