

25.06.2021.
Item No.23
(Rejected)
ab/saswata

C.R.M. 2360 of 2021

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed on 02.03.2021 in connection with Sarenga Police Station case no.01 of 2021 dated 03.01.2021 under Sections 376(2)I/376D of the Indian Penal Code;

And

In the matter of : **Jan Mohammad Mir & Anr.**

... petitioners.

Mr. Navanil Dey
Mr. Mrinmoy Chatterjee

...For the petitioners.

Mr. Saibal Bapuli
Mr. Arijit Ganguly
Mr. Sanjib Kr. Dan

... For the State

This is an application for bail in connection with Sarenga Police Station case no.01 of 2021 under Sections 376(2)I/376D of the Indian Penal Code at the behest of the petitioners.

The learned Advocate for the petitioners submits that the petitioners have been falsely implicated in connection with the instant case. It is further submitted that there is no incriminating material found against the petitioners for committing the alleged offence, yet the petitioners have been unnecessarily languishing in jail.

The learned Advocate for the State opposes the prayer for bail and submits that the statement of the victim lady recorded under Section 164 of the Code of Criminal Procedure would reveal the commission of offence by the petitioners.

After hearing the respective submissions and on perusal of the materials on record, it appears that the victim lady is moderately mentally retarded. Her statement recorded under Section 164 of the Code of Criminal

Procedure, prima facie, suggests the commission of offence by the petitioners.

We, thus, do not find that it is a fit case where the petitioners should be enlarged on bail.

Accordingly, the application for bail being CRM 2360 of 2021 is **rejected**.

(Harish Tandon, J.)

(Subhasis Dasgupta, J.)