

31.05.2021
B.D.
23.

CRM 2396 of 2021

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

And

In the matter of: **Rabindranath Mondal @ Rabindranath Mandol**
....Petitioner.

Mr. Suman De ...for the
Petitioner.

Smt. Zareen N. Khan
Smt. Sreeparna Das
....for the State.

The petitioner is arraigned as an accused in connection with Tamluk Police Station Case No. 316/2020 dated 24.06.2020 under Sections 498A/376/506/34 of the Indian Penal Code registered as G R No. 1044/2020. The petitioner was arrested on 24.06.2020 and since then he is in custody for 342 days as of now.

It is submitted by learned counsel for the petitioner that the petitioner happens to be the father-in-law of the defacto-complainant and that charge-sheet has been submitted against him by an investigation in perfunctory manner as the DNA test as to the proof of paternity of the child borne to the defacto-complainant has not been undertaken by the investigating officer. In this peculiar case the petitioner father in law is arraigned for the commission of

rape of his daughter-in-law the defacto-complainant, resulting which she conceived and has given birth to a child.

Upon hearing learned counsel for both parties and considering the statement of the victim lady recorded under section 164 CrPC during investigation, the prayer for bail is refused.

As submitted by learned counsel for the petitioner, the petitioner may approach the trial court with a prayer for DNA test to ascertain paternity of the child borne to the defacto-complainant.

Accordingly the application being C.R.M. 2396 of 2021 is disposed of.

(Aniruddha Roy, J.)

(Shivakant Prasad, J.)