

23.07.2021
S.D.
35.

CRM 3125 of 2021

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

And

In the matter of: **Pranab Halder**

.....Appellant/Petitioner (in Jail.).

Mr. Shibaji Kumar Das

...for the Petitioner.

Mr. Rana Mukherjee, A.P.P.

Ms. Sujata Das

Ms. Debjani Sahu

... for the State.

The petitioner has filed the instant application for bail in connection with Haringhata Police Station Case No. 220 of 2020 dated 02.08.2020 under Sections 498A/323/376/120(B)/506 of the Indian Penal Code.

Petitioner is said to be involved in a rape case. Victim is said to have been sexually exploited by her husband, when the petitioner ravished the victim more than once.

Learned Advocate for the petitioner submits that the petitioner has been languishing in custody for nearly about 330 days and with the submission of charge sheet, further detention of the petitioner is unnecessary. It is further submitted that medical evidence is not supportive of the victim's contention, and further that the petitioner is impotent as per opinion of the doctor holding medical examination of the petitioner.

Learned Advocate for the State raises objection against prayer for bail drawing our attention to the statement of the victim lady recorded under Section 164 Cr.P.C., and the medical examination report of the victim together with the medical examination report of the petitioner. In the opinion of the doctor, the petitioner was found to be capable of committing sexual intercourse and he was not found to be impotent.

Having considered the submissions of both sides and bearing in mind the direct involvement of the petitioner, as disclosed in the statement of the victim, we are of the considered view that this is not a fit case, where the petitioner should be released on bail.

Accordingly prayer for bail is rejected. We direct the Trial Court to schedule the case in such a way so that the victim could be examined as a first witness, and after her evidence, the prayer for bail may be revisited.

Thus, the application being C.R.M. 3125 of 2021 stands disposed of.

(Subhasis Dasgupta, J.)

(Shivakant Prasad, J.)