

13.12.2021
cm/ct 28
sl no. 13

C.R.M. 3861 of 2021

In Re : An application for Anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Rabindranagar P.S Case No. 103 of 2021 dated 17.03.2021 under Sections 376(2)(b) of the Indian Penal Code.

And

Rejected

In Re : Saifuddin Laskar

..... petitioner

Md. Rana Mukherjee
Mr. Sourav Mukherjee
Mr. Amanul Islam

..... for the petitioner

Mr. Saibal Bapuli, A.P.P.
Mr. Bibaswan Bhattacharya

..... for the State

Petitioner submits that he has been falsely implicated in the instant case. It is submitted there is inordinate delay in lodging the First Information Report. He is not named by the victim in her statement before Magistrate.

Learned lawyer for the State submits that the victim is a deaf and dumb girl. Taking advantage of the fact that her husband was in hospital, she was ravished by the petitioner.

We have considered the material on record. Victim is a deaf and dumb girl. She made statements which was recorded with the help of an interpreter. Her husband was not present at the time of occurrence. Her physically challenged status as well as the fact her sick husband was away from home resulted in the delay in lodging the First Information Report. The victim has given sufficient description of the assailant in her statement which matches with the petitioner. Therefore, we are of the opinion, in view of the gravity of the offence and prima facie involvement of the petitioner therein, we are not inclined to grant anticipatory bail.

Accordingly, the prayer for anticipatory bail is rejected.

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)