

CRM No.5966 of 2021

Via video conference

23.11.21

(S.R.)

Sl.90

Ct.32

In re: An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with Joypur Police Station Case No.46 of 2020 dated 19.03.2020 under Sections 376(2)(1)/376D of the Indian Penal Code;

And

In re: Sk. Atiar Rahaman

... petitioner.

Mr. Soumya Basu Roy Chowdhuri ... for the petitioner.

Ms. Faria Hossain

Ms. Baisali Basu

... for the State.

The learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. No overt act has been attributed to the petitioner. Upon completion of investigation charge sheet has also been submitted and as such, further detention of the petitioner, who is in custody for about 561 days is not warranted in the facts and circumstances of the case. He further submits that principal accused, namely one Sk. Fakruddin is already in custody.

The learned advocate appearing for the State opposes the petitioner's prayer and draws our attention of the statement of the *de facto* complainant as recorded under Section 164 of the Code and also the statements of other witnesses as recorded under Section 161 of the Code. She further draws our attention to the medical report and submits that the victim is a deaf and dumb girl and in the said conspectus, the petitioner is not entitled to the relief, as prayed for.

Having heard the learned advocates and considering the materials in the case diary, the gravity of the offence and the extent of complicity of the petitioner in the alleged offence, we are not inclined to exercise any discretion in favour of the petitioner and this application being CRM No.5966 of 2021 for bail is rejected at this stage.

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

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)