

11.11.2021
439
Ct. No 29
KAUSHIK
(REJECTED)

C.R.M. 7274 of 2021

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Chanchal** Police Station Case No. **433** of **2021** dated **11.06.2021** under Sections 376(D)/506 of the Indian Penal Code, 1860.

And

In Re : Nur @ Noor Alam.

..... petitioner

Mr. Sabir Ahmed

.... for the petitioner

Mr. Partha Pratim Das

Ms. Manasi Roy

.... for the State

Petitioner seeks bail.

Learned advocate appearing for the petitioner submits that, considering the period of detention and considering the fact that the petitioner sought to be roped in subsequently prayer for bail would be considered. He submits that, the victim lady affirmed an affidavit stating that she mistakenly identified the petitioner. He refers to the medical report and submits that the case ought to be thrown out therefrom.

Learned advocate appearing for the State submits that, the police initially arrested three persons. Later on, two persons were arrested. The petitioner is one of the persons arrested later. Police initially submitted charge-sheet. Further investigation is on. He submits that, the victim identified the petitioner as one of the persons who ravished her.

Considering the materials in the case diary, the statement recorded under Section 164 of the Code of Criminal Procedure of the victim lady and the fact that the petitioner was identified by the victim, we are unable to grant bail to the petitioner.

Accordingly, prayer for bail of the petitioner is rejected and the application being CRM 7274 of 2021 is dismissed.

(Debangsu Basak, J.)

(Ananda Kumar Mukherjee, J.)