

18.11.2021

Court No.28
Item No.13
(REJECTED)

Saswata

CRM 7355 of 2021

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Santipur Police Station Case No. 26 of 2021 dated 08.01.2021 under Section 376 of the Indian Penal Code;

And

In the matter of : **Rafikul Sk.**

...Petitioner

Mr. Md. Aslam Khan

...For the Petitioner

Mr. P.K.Dutta

Mr. Santanu Deb Roy

... For the State

The petitioners have filed the instant application for bail under Section 439 of the Code of Criminal Procedure in connection with Santipur Police Station Case No. 26 of 2021 under Section 376 of the Indian Penal Code.

Learned Advocate for the petitioner submits that the petitioner has been implicated in connection with the aforementioned case because of the dispute between the neighbours and in fact, the de facto complainant and the family members ransacked the house of the petitioner and stolen several articles therefrom for which FIR has also been lodged.

The learned advocate for the State opposes the prayer for bail and relies upon the statement of the girl recorded under Section 164 of the Code of Criminal Procedure.

After hearing the respective submissions and on perusal of the materials on record, it appears that the earlier application for bail being CRM 2228 of 2021 filed by the petitioner was rejected on 2nd June 2021. The said rejection was made after filing of the charge sheet with a categorical finding that there has been incriminating materials found against the petitioner disclosed by the victim girl in

her statement recorded under Section 164 of the Code. Even if the medical document does not reveal any injury of recent origin, but the statement of the victim girl recorded under Section 164 of the Code cannot be overlooked at this stage.

Since rejection of the earlier application for bail, we do not find any changed circumstances warranting a different decision to be taken.

Accordingly, the prayer for bail of the petitioner is ***rejected***

The application for bail being CRM 7355 of 2021 is accordingly ***dismissed.***

(Harish Tandon, J)

(Rabindranath Samanta,J.)