

10.12.2021.
148.
as
(Rejected)

C.R.M. 8204 of 2021

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Duttapukur P.S. Case No.3 of 2020 dated 01.01.2020 under Sections 450/427/376D/34 of the Indian Penal Code.

In the matter of : Sougata Sarkar.

...Petitioner.

Mr. Sourav Chatterjee,
Mr. Sujan Chatterjee,
Mr. Sanat Kr. Das.

...for the Petitioner.

Mr. Madhusudan Sur, Id. A.P.P.,
Mr. N. P. Agarwal,
Mr. Pratick Bose.

...for the State.

Heard the learned Advocates appearing for the petitioner and the State.

Petitioner renews his prayer for bail. He submits that there is variation in the deposition of the victim girl vis-à-vis her earlier statement before the police or Magistrate.

Learned Advocate appearing for the State opposes the prayer for bail.

We have considered the evidence of the victim girl. Gist of her evidence shows that the petitioner along with two others entered the room of the victim and one of them viz., Ratan Das @ Tota committed rape on her.

In view of the aforesaid materials on record prima facie disclosing presence of the petitioner along with other co-accused persons when the victim was raped, we are of the

opinion that in view of the gravity of the offence, this is not a fit case to grant bail to the petitioner.

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

However, trial court is directed to expedite the trial and conclude the same at an early date without granting unnecessary adjournment to either of the parties

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)