

09.03.2021

Item No.9

Ct.No.28

dc.

Rejected

C.R.M. 10754 of 2020

(Via Video Conference)

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure.

And

In the matter of : **Ashikur Rahaman Halder**

... Petitioner.

Mr. Dipanjan Chatterjee,
Mr. Kaushik Dey,
Mr. Sudarshan Ghosh

... For the Petitioner.

Mr. Rana Mukherjee,
Ms. Sujata Das

... For the State.

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Bakultala P.S. Case No. 547 of 2019 under Sections 376D/323 of the Indian Penal Code.

The learned advocate appearing for the petitioner submits that the petitioner is languishing in custody for more than 496 days and there is also no possibility towards early conclusion of the trial. Furthermore, the petitioner has been falsely implicated and the materials would not disclose any direct involvement of the petitioner in the alleged offence. In the said conspectus, further detention of the petitioner is not warranted.

Mr. Mukherjee, learned advocate appearing for the State opposes the petitioner's prayer and submits that the evidence of the chargesheeted witness no.1, being the victim lady, was fixed on 13th January, 2021. Let the FSL report, as produced by Mr. Mukherjee, be kept on record.

We have perused the materials in the case diary including the medical report of the victim lady. Considering 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. As such, the petitioner's prayer for bail is **rejected** at this stage.

The application for bail, being CRM 10754 of 2020, is, thus, dismissed.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)