

18.03.2021.
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***Calcutta High Court
In the Circuit Bench at Jalpaiguri***

CRM 235 of 2021

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed on 10.02.2021 in connection with Mathabanga Police Station Case No. 337 of 2020 dated 31.08.2020 under Section 376 D of the Indian Penal Code corresponding to G.R. Case No. 578 of 2020.

In the matter of : Dinesh Barman & Anr.

... Petitioners

Mr. Hillol Saha Podder

...for the Petitioners

Mr. Kallol Acharya,
Mr. Biswarup Roy

.....for the State

Learned advocate for the petitioners submits that the principal accused has already been discharged on bail. He further submits that though the First Information Report discloses the date of the alleged offence, but the statement of the victim recorded under Section 164 of the Code of Criminal Procedure does mention any date

Learned advocate appearing for the State opposes the prayer for bail and submits that a *Naraji* petition had been filed before the learned Magistrate against the discharge of one of the accused persons and further investigation was ordered by the learned Magistrate.

Having considered the materials available in the case diary, particularly, the statement of the victim recorded under Section 164 of the Code of Criminal Procedure, we do not feel it appropriate to grant bail to the petitioners at this stage.

Accordingly, C.R.M.235 of 2021 is dismissed.

(Sabyasachi Bhattacharyya, J.)

(Kausik Chanda, J.)