

16.06.2021

Court No.28
Item No.5
(DISMISSED)

akd
&
ab

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT
JALPAIGURI**

(Via Video Conference)

CRM 630 of 2021

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with Mathabhanga Police Station Case No. 72 of 2021, dated 09.02.2021 under Sections 363/365/376/109 of the Indian Penal Code.

And

In the matter of : **Subrata Sarkar**

...Petitioner

**Mr. Hillol Saha Poddar,
Mr. Md. Sabir Ahmed.**

...For the Petitioner

**Mr. Ujjwal Luksom,
Mr. Biswarup Roy.**

...For the State.

Learned Advocate for the petitioner submits that there was a love affair between the petitioner and the victim lady and they subsequently married, but the victim girl was not allowed by her father to live with the petitioner. It is further submitted that the moment, the petitioner went to her house to take her back, he was arrested.

Learned Advocate appearing for the State opposes the prayer for bail and submits that the victim lady was abducted from her house in an electric motor vehicle (TOTO) and the petitioner committed rape on her, which would be evident from the statement of the victim lady recorded under Section 164 of the Code of Criminal Procedure.

After hearing the respective submissions and on perusal of the materials placed before us and the statement of the victim lady recorded under Section 164 of the Code of Criminal Procedure as well as the fact that the earlier application for bail was rejected by the Court below, we do not feel that it is a fit case where the petitioner

should be enlarged on bail at this stage.

The application for bail being CRM 630 of 2021 is thus rejected.

(Harish Tandon, J.)

(Subhasis Dasgupta, J.)