

04.03.2022

Court No.32
rpan /13

CRM (DB) 217 of 2022

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Amta Police Station Case no.331 of 2020 dated 14.11.2020 under Section 376D of the Indian Penal Code, 1860;

And

In Re : **Deep Bhuiya @ Dip Bhuiya**
- Petitioner.

Mr. Debabrata Roy,
Ms. Karabi Roy
... for the petitioner.
Ms. Zareen N. Khan,
Mr. Arup Sarkar
... for the State.

Mr. Roy, learned advocate appearing for the petitioner submits that the petitioner is languishing in custody for more than 464 days and there is also no possibility towards conclusion of the trial in the near future. He further submits that there had been substantial change in the circumstances subsequent to rejection of the petitioner's prayer for bail by a coordinate Bench of this Court on 19th March, 2021 inasmuch as thereafter supplementary charge sheet has been submitted along with the FSL report, which demolishes the case of the prosecution. In the said conspectus, the petitioner may be enlarged on bail on any stringent condition.

Ms. Khan, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statement of the victim lady as recorded under Section 164 of the Code and the medical reports.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

Prima facie, we find strong incriminating materials on record against the petitioner. The discrepancy, as argued by Mr. Roy, in our opinion, is not sufficient to rule out the entire prosecution case at this stage. Considering the seriousness of the offence, its ramifications and the extent of complicity of the petitioner in the alleged offence, we are not inclined to exercise any discretion in his favour. As such, his prayer for bail is refused at this stage.

The application for bail, being CRM (DB) 217 of 2022 is dismissed.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)