

25.02.2022

Serial no.52

Dd

CRM (DB) 546 of 2022

In re : An Application for **Bail** under Section **439** of the Code of Criminal Procedure in connection with **Kaliyaganj** Police Station Case No. **90** of **2021** dated **20.03.2021** under Sections **363,365,34** of the Indian Penal Code and adding Section **376(2)(f)** and **109** of IPC and **4** of POCSO Act.

-And-

In the matter of : Asip Choudhury (Manik)

... ..Petitioner

Mr. Chandra Sekhar Bag,
Mr. Abhijit Boral, Advocates
... .. For the Petitioner

Ms. Zareen N. Khan,
Mr. Ashok Das, Advocates
... ...For the State

Petitioner seeks bail.

Learned advocate appearing for the petitioner submits that the petitioner is in custody for 320 days. Another co-accused was granted bail by the jurisdictional Court. He highlights the delay in lodgment of the FIR from the date of the incident.

Learned advocate appearing for the State draws the attention of the Court to the statements of the victim recorded under Section 164 of the Criminal Procedure Code.

In the statements of the victim recorded under Section 164 of the Criminal Procedure Code the victim narrates that she was kidnapped and kept confined in a room where the petitioner ravished her repeatedly. The statement explained the delay in lodgment of the complaint.

The jurisdictional Court granted bail to the other co-accused upon consideration of the materials in the case diary and after returning a finding that custodial interrogation of such co-accused was not required. The petitioner does not stand in the same footing as that of the co-accused who was granted bail by the jurisdictional Court.

In the circumstances, considering the gravity of the offence and the involvement of the petitioner therein, we are not inclined to grant bail to the petitioner.

Prayer for bail of the petitioner is **rejected**.

CRM (DB) 546 of 2022 is **dismissed**.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)