

17.03.2022
Sl. 31
Court No.29
sourav
(Rejected)

C.R.M. (DB) 741 of 2022

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on **11.03.2022** in connection with **Kandi** P.S. Case No. **473** of **2020** dated **03.11.2020** under Section **302/376D/34** of the Indian Penal Code.

And

In the matter of: **Nur Ali Sk. @ Nur Ali Seikh @ Seikh Nur Ali**
....petitioner.

Mr. Kumarjyoti Tewari
Mr. Manas Kumar Das
Ms. Rajlakshmi Ghatak

...for the petitioner.

Mr. Saibal Bapuli
Mr. Bibaswan Bhattacharya

...for the State.

Petitioner seeks bail.

Learned advocate appearing for the petitioner submits that the petitioner is in custody for 37 days. The police filed charge-sheet and, in fact, the charges were framed. Therefore, further detention of the petitioner is not required. He refers to the order dated July 19, 2021 by which, another co-accused was released on bail.

Learned advocate appearing for the State submits that the Court granting the bail did not consider the provisions of Section 376D of the Indian Penal Code in that matter. He refers to the contents of such order. He also refers to the statement recorded under Section 161 of the Criminal Procedure Code which implicates the petitioner.

It appears from the materials in the case diary that the petitioner ravished the victim who ultimately succumbed. The Post Mortem Report corroborates the factum of Section 376D of the Indian Penal Code.

In such circumstances, given the gravity of the offence and the involvement of the petitioner therein as transpiring from

the material in the case diary, we are unable to grant bail to the petitioner.

Accordingly, the prayer for bail of the petitioner is rejected.

C.R.M. (DB) 741 of 2022 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)

