

CRM (DB) 958 of 2022

In re : An Application for bail under Section 439 of the Code of Criminal Procedure filed on 07.04.2022 in connection with Dhantala P.S. Case No. 544 of 2021 dated 26.11.2021 under Sections 376D of the Indian Penal Code.

-And-

In the matter of: **Basu Roy**

... ...Petitioner

Ms. Sananda Bhattacharya, Advocate

... ... For the Petitioner

Mr. Swapan Banerjee, Advocate

Mr. Suman De, Advocate

... ... For the State

Petitioner prays for bail.

Learned Advocate appearing for the petitioner submits that there was a delay of 45 days in lodging the first information report. One of the other co-accused was granted bail by this Hon'ble Court. There was a previous relationship between the de facto complainant and the petitioner.

Learned Advocate appearing for the State draws the attention to the statement of the de facto complainant recorded under Section 164 of the Code of Criminal Procedure.

In her statement, the de facto complainant who is also the victim, implicates the petitioner and his friends in the gang rape.

The co-accused who was granted bail on February 16, 2022 in CRM (DB) 437 of 2022 is a person who was not named in the first information report, the statement of the victim recorded under Section 164 of the Code of Criminal Procedure and was not identified in the test identification parade.

The petitioner herein is named by the victim in her statement recorded under Section 164 of the Code of Criminal Procedure.

In such circumstances, the petitioner cannot be said to be standing in the same footing as that of the other co-accused.

Considering the gravity of the offence and the involvement of the petitioner therein, we are unable to grant bail to the petitioner.

CRM (DB) 958 of 2022 is rejected

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)