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(AD)

02.05.2022

Court No.29

(Rejected)

C.R.M. (DB) 1166 of 2022

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Dankuni** P.S. Case No.**359 of 2021** dated **14.11.2021** under Sections **376(1)/376D/323** of the Indian Penal Code, 1860, subsequently the Charge sheet being no.02/2022 dated 10.01.2022 has been submitted under Sections **376(1)/376D/323** of the Indian Penal Code, 1860.

And

In the matter of: Ananda Malik @ Chotka

....petitioner.

Mr. Kaushik Chandra Gupta

...for the petitioner.

Ms. Anasuya Sinha

Mr. Pinak Kumar Mitra

... for the State.

Petitioner seeks bail.

Learned Advocate appearing for the petitioner submits that the petitioner was falsely implicated. The petitioner is in custody for 150 days. The police submitted charge sheet and, therefore, further detention of the petitioner is not required. He submits that the victim is yet to be recovered.

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

The de facto complainant recorded a statement under Section 164 of the Code of Criminal Procedure where she narrates the incident of gang rape. The victim is yet to be recovered. There are materials in the case diary suggesting that

the police are taking measures in order to identify the victim.

At this stage, considering the gravity of the offence and the involvement of the petitioner therein as transpiring from the materials 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) 1166 of 2022 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)