

04.07.2022.
12.
Ct.No.28
as
(Rejected)

C.R.M. (DB) 2089 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Hanskhali P.S. Case No.171 of 2022 dated 01.03.2022 under Section 376D of the Indian Penal Code.

In the matter of : Bappa Biswas & Anr.

... Petitioners.

Mr. Asraf Mandal.

...for the Petitioners.

Mr. Tanmoy Kr. Ghosh,
Ms. Sonali Das.

...for the State.

Heard the learned Advocates appearing for the parties.

Petitioners are in custody for about 63 days. It is contended they have been falsely implicated in the instant case. It is further contended there is delay in lodging the first information report and they have not been named in the statement before the Magistrate.

Learned Advocate for the State opposes the prayer for bail. He submits petitioners were named in the first information report as the person who ravished the victim.

We have considered the materials on record. Statement of the victim before the Magistrate under Section 164 of the Code of Criminal Procedure requires to be read in conjunction with the first information report wherein petitioners have been named as the person who ravished her. She was medically treated and hospitalised. Hence, delay in lodging the first information report has been duly explained.

In view of gravity of the offence and the prima facie involvement of the petitioners in the alleged crime, we are not inclined to grant bail to the petitioners at this stage.

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

(Ananya Bandyopadhyay,J.)

(Joymalya Bagchi, J.)