

13.07.2022
tkm/ct 28
sl no. 40

C.R.M. (DB) 2282 of 2022

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Namkhana PS case no. 83/2022 dated 11.4.2022 under section 376D IPC

And

In Re : Amal Khatua & Anr.

..... petitioners

Mr. Malay Bhattacharyya
Shefa Mondal

..... for the petitioners

Mr. Binay Pnda
Ms. Puspita Saha

..... for the State

Petitioners are in custody for 93 days. It is submitted over the self-same incident an earlier police case being Namkhana P.S Case no. 81 of 202 dated 11.4.2022 was registered.

Learned lawyer for the State opposes the prayer for bail.

We have considered materials on record. Statement of the victim recorded under section 164 Cr.P.C discloses a case of rape. In the said statement she has stated she was threatened by the accused persons and in all probability out of fear was unable to disclose the allegation of rape in the earlier complaint. After the incident of rape, petitioners tried to set her on fire. She suffered burn injuries which is corroborated by medical evidence.

In view of the aforesaid incriminating materials and gravity of offence, we are not inclined to grant bail to the petitioners at this stage.

Accordingly, the prayer for bail is rejected.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)