

17.08.2022
cm/ct 28
sl no. 29

C.R.A. (DB) 136 of 2022

In Re : An application for admission of appeal and under Section 14(A)(2) of the SC & ST (Prevention of Atrocities) Act 1989 read with Section 439 of the Code of Criminal Procedure.

And

Rejected

In Re : Mir. Usman Ali @ Mir Usman @ Ara

..... Appellant

Mr. Sourav Chatterjee
Mr. Tanmay Chowdhury
Mr. Tamal Taru Panda

..... for the Appellant.

Mr. Dhiraj Trivedi, Id. Asst. Solicitor General
Mr. Shailendra Mishra
Mr. Samrat Goswami

..... for the CBI.

Appellant is in custody for over 400 days. He submits there is delay in recording her statement. He prays for bail.

Learned Assistant Solicitor General opposes the prayer for bail. He submits victim had been forcibly raped. She consumed poison and was hospitalized. After recovery her statement was recorded which implicated the petitioner in the crime. Due to lack of evidence, co-accuseds were discharged. Date has been fixed for consideration of charge.

We have considered materials on record. Victim was forcibly ravished. Medical reports show injuries in her private parts. She was hospitalized for some time and upon recovery her statement was recorded under Section 164 Cr.P.C. which implicates the petitioner. Delay in recording her statement has been substantially explained. There are prima facie materials to show appellant had forcibly raped the victim which compelled her to attempt to commit suicide.

In view of the gravity of the offence and prima facie involvement of the appellant therein, we are not inclined to grant bail to the appellant.

The application for bail is thus **rejected**.

Trial court is requested to consider the issue of framing charge on the next day and if it is unable to do so positively within one month thereof and in the event charge is framed to take the proceeding to its logical conclusion within one year thereof without granting unnecessary adjournments to either of the parties.

The application being CRA (DB) 136 of 2022 is disposed of.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)