

28.07.2022
tkm/ct 28
sl no. 46

C.R.M. (DB) 2489 of 2022

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Amta PS case no. 331/2020 dated 14.11.2020 under section 376D IPC

And

In Re : Subhasish @ Sona Kha

..... petitioner

Mr. M Chatterjee
Md. G N Imrohi
Mr. P Hazra

..... for the petitioner

Mr. N Ahmed
Mr. Iqbal Kabir

..... for the State

Petitioner is in custody for more than one year. It is submitted an earlier criminal case was registered against the husband of the victim alleging rape. In retaliation he has been falsely implicated in the present case.

Learned lawyer for the State opposes the prayer for bail.

We have considered the materials on record. Statement of the victim recorded under section 164 Cr.P.C. is supported by medical evidence. Medical reports at Amta Rural Hospital at page 54 of the case diary show that she had been assaulted in her private parts. No examination of private parts was done at the said hospital. Subsequently the victim was examined at Ulberia SD Hospital and bleeding injuries were noted in her private parts. In the light of the aforesaid medical opinion and the fact that she has alleged rape in her statement before the magistrate under section 164 Cr..P.C, her euphemistic reference to assault in the medical papers requires to be seen in the light of the other incriminating materials.

Under such circumstances and in view of the gravity of offence, we are not inclined to grant bail to the petitioner at this stage.

Accordingly, prayer for bail is rejected.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)