

28.07.2022.
55.
Ct.No.28
as
(Rejected)

C.R.M. (DB) 2499 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Raninagar P.S. Case No.387 of 2021 dated 25.08.2021 under Sections 376/325 of the Indian Penal Code and charge sheet submitted under Sections 376/325 of the Indian Penal Code.

In the matter of : Sahajaman Sk @ Sajahan Sk @
Shahazahan Sekh @ Babu Sk.
... Petitioner.

Mr. Niladri Sekhar Ghosh,
Mr. Tapodip Gupta,
Ms. Sompurna Chatterjee,
Mr. Sourav Mondal.

...for the Petitioner.

Ms. Zareen N. Khan,
Md. Kutubuddin.

...for the State.

Heard the learned Advocates appearing for the parties.

Petitioner is in custody for about 336 days. He submits that the victim did not support the prosecution case in course of cross-examination.

Learned Advocate for the State opposes the prayer for bail. She submits victim in course of examination-in-chief stated that she had been subjected to rape.

We have considered the materials on record. Victim was examined in-chief on 9.2.2022. During her examination she stated she had been forcibly ravished. Her cross-examination was deferred on behalf of the defence. Thereafter, she was examined after about three months when she came out with a different story. Delayed examination of the victim gave

opportunity to the petitioner to win over the vital witness. Her deposition in-chief is corroborated by medical evidence.

In view of the aforesaid incriminating materials on record and the conduct of the petitioner in winning over the victim, we are not inclined to grant bail to the petitioner.

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

(Ananya Bandyopadhyay,J.)

(Joymalya Bagchi, J.)