

12.08.2022
Sl. No.22
akd
[Rejected]

C. R. M. (DB) 2719 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 05.08.2022 in connection with Tarakeswar Police Station Case No. 80 of 2022 dated 01.04.2022 under Section 376(2)(n) of the Indian Penal Code subsequently charge sheet has been submitted for offence punishable under Section 376(2)(I) of the Indian Penal Code. (G.R. Case No.494 of 2022)

And

In Re: **Amar Samanta**

... .. Petitioner

Mr. Shiladitya Banerjee
Mr. Arnab Chatterjee

... .. for the petitioner

Mr. Neguive Ahmed .. Id. Addl. Public Prosecutor
Ms. Trina Mitra

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 122 days. It is further submitted medical evidence does not support the allegation of rape. It is also submitted petitioner has been falsely implicated in the instant case.

Learned Additional Public Prosecutor opposes the prayer for bail.

We have considered the materials on record. Victim is a deaf and dumb girl. Statements of her parents implicate the petitioner in the alleged crime. Absence of injuries in the private parts particularly of a victim with special needs who may have been unable to understand and resist the act of rape cannot be a determining factor to assess the truthfulness of the allegation. In view of the aforesaid circumstances and gravity of the offence on a victim with special needs, we are not inclined in granting bail to the petitioner at this stage.

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

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)

