

16.08.2022
Sl. No.38
akd
[Rejected]

C. R. M. (DB) 2750 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 Narkeldanga Police Station Case No. 219 of 2022 dated 04.06.2022 under Sections 376/328 of the Indian Penal Code.

And

In Re: ***Ramjit @ Ramji @ Ramjit Prasad***

... .. Petitioner

Ms. Sreyashee Biswas

... .. for the petitioner

Mr. Arijit Ganguly
Mr. Avik Ghatak

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 73 days. It is further submitted there was misunderstanding between the petitioner and the victim lady. She stated before the learned Magistrate she has no grievance against the petitioner. There is delay in lodging FIR.

Learned advocate appearing for the State opposes the prayer for bail and submits petitioner was known to the victim lady. On the false promise of giving her employment, victim was induced to accompany the petitioner. Petitioner drugged the victim. She became unconscious. On the next day when she gained consciousness, she found she was lying outside the hospital with injuries. She returned home and tried to commit suicide. Subsequently, she lodged FIR.

We have considered the materials on record. Statement of the victim lady recorded under Section 164 of the Code of Criminal Procedure shows she had been falsely induced to accompany the petitioner who subsequently drugged her. Upon gaining consciousness she found injuries in her secondary sexual organs and felt she had been

raped. Out of shame, she tried to commit suicide and subsequently lodged FIR. Her statement clearly discloses the reasons for delay in lodging FIR. Injuries on her body probabalises an act of predation which contradicts any plea of consensual relationship. Subsequent prayer before the Magistrate by the victim points towards an ominous impact of influence upon her. Under such circumstances, we of the opinion it may not be prudent to enlarge the petitioner on bail at this stage.

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

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)