

30.11.2022
Sl. No.19
akd
[Rejected]

C. R. M. (DB) 4200 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 23.11.2022 in connection with Ganga Sagar Coastal Police Station Case No. 107 dated 14.09.2022 under Sections 376D/376(2)(j)(i)/325/506 of the Indian Penal Code. (G.R. Case No.2266 of 2022)

And

In Re: ***Bishnupada Pramanik***

... .. Petitioner

Mr. Ayan Basu
Mr. Sandip Kumar Mondal
Mr. Sumit Routh

... .. for the petitioner

Mr. Binay Panda
Ms. Puspita Saha

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 72 days. It is further submitted petitioner has been falsely implicated in the instant case. Investigation is complete.

Learned advocate appearing for the State opposes the prayer for bail and submits the victim was a mentally challenged person. As a result, her statements could not be recorded. She however, narrated the incident to her mother and sister. Their statements have been recorded under Section 164 of the Code of Criminal Procedure. Medical examination of the victim shows injuries in her private parts.

We have considered the materials on record. Victim is a mentally challenged person. She was not in a position to give statements. Soon after the incident she communicated the incident to her mother and sister. Their statements have been recorded under Section 164 of the Code of Criminal Procedure. Medical examination of the victim shows small tear just above the clitoris.

In view of the aforesaid injuries in her private parts corroborating the statements of her mother and sister, we are of the opinion this is not a fit case to grant bail to the petitioner at this stage.

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

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)