

18.01.2023

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rejected

C.R.M. (DB) No. 200 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with English Bazar Police Station Case No. 1173 of 2022 dated 23.07.2022 under Sections 448/376(2)(m) of the Indian Penal Code.

And

In Re : Arafat Ali petitioner

Ms. Minoti Gomes

Ms. Manika Sarkar

... for the petitioner

Mr. Saibal Bapuli, learned APP

Mr. Bibaswan Bhattacharya

... for the State

Learned Counsel for the petitioner submits there are material contradictions in the prosecution case as stated in FIR, statements of victim and her mother. Petitioner prays for bail.

Learned Counsel for the State opposes the prayer for bail.

We have considered the materials on record. Prosecution case as emerging from the statements of the survivor (a lady with special needs) and her mother is that there was acquaintance between the parties. Petitioner and others had misbehaved with the survivor earlier and had taken objectionable pictures. Thereafter, petitioner forcibly entered the house and ravished the survivor. The aforesaid contours are consistent in the statements of the survivor and her mother.

In view of the aforesaid incriminating materials and as his prayer for bail has been rejected earlier, we are not inclined to grant bail to him.

The application for bail is, thus, rejected.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)