

19.01.2023
tkm/ct 28
sl no.42

C.R.M. (DB) 239 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Nabagram Police Station Case No. 114 of 2021 dated 10.5.2021 under Sections 376D/506/34 IPC and sections 4/6/8 POCSO Act

And

In Re : Nairul Sk

..... petitioner

Mr. P K Chatterjee

..... for the petitioner

Mr. Dhiraj Trivedi, Id. DASGI

Mr. Amajit De

..... for the CBI

Petitioner is in custody for 618 days. Co-accused is on bail.

He prays for bail.

Learned lawyer for the CBI opposes the bail prayer and submits petitioner does not stand on the same footing with co-accused who is on bail. He was identified in the course of TI parade.

We have considered the materials on record. The case involves gang rape of a minor. Petitioner was identified as one of the miscreants in the TI parade. Co-accused who was on bail had not been so identified. Trial is in progress and vulnerable witness is yet to be examined. Hence, we are not inclined to grant bail to the petitioner at this stage.

Accordingly, the prayer for bail is rejected.

Prosecution shall ensure that the victim be examined at the earliest.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)