

03.02.2023.  
30.  
Ct.No.28  
as  
(Rejected)

**C.R.M. (DB) 406 of 2023**

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Barikul P.S. Case No.19 of 2022 dated 28.05.2022 under Section 376 of the Indian Penal Code and charge sheet submitted under Sections 376/365 of the Indian Penal Code.

In the matter of : Uttam Singh Sardar.

... Petitioner.

Mr. Riddhiman Mukherjee,  
Mr. D. Das,  
Mr. Arkaprabho Roy.

...for the Petitioner.

Mr. Atif Ahmed Siddiqui.

...for the State.

Petitioner is in custody for 240 days. It is submitted co-accused are on bail. It is further submitted allegation of forcible rape is improbable. He prays for bail.

Learned Advocate for the State opposes the bail prayer.

We have considered the materials on record. Statement of the victim implicates the petitioner in the offence of rape. Co-accuseds do not stand on the same footing with the petitioner.

Under such circumstances, we are not inclined to grant bail to the petitioner.

Accordingly, the prayer for bail of the petitioner is rejected.

**(Ajay Kumar Gupta,J.)**

**(Joymalya Bagchi, J.)**

