

16.05.2023
as/tkm/ct 28
sl no. 23

C.R.A. (DB) 78 of 2023

In Re : An application under section 14A of the Scheduled Caste
and Scheduled Tribes (Prevention of Atrocities) Act

In Re : Mujaffar @ Muzaffarappellant

Mr. Arnab Chatterjee
Ms. P Bose

..... For the appellant

Ms. Z N Khan
Mr. Arup Sarkar

..... For the State

Mr. Madhu Jana

..... For the de facto complainant

Appellant submits that the allegation of forcible rape is false. There was prior intimacy between the parties. Allegation of uploading video containing obscene pictures are also false. He is in custody for more than 261 days. He prays for bail.

Learned lawyer for the State opposes the bail prayer.

Learned lawyer for the de facto complainant also opposes the bail prayer. He submits that the victim was forcibly raped and suffered injuries.

We have considered the materials on record including the statement of the victim. Even if one presumes there was some prior acquaintance between the parties, the statement of the victim unequivocally shows she was physically assaulted and raped. Thereafter her obscene pictures were shown to her fiancé.

Under such circumstance and as the vulnerable witness is yet to be examined, we are not inclined to grant bail to the appellant at this stage.

Accordingly, the prayer for bail is rejected.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)