

04.04.2023
Sl. No.29
akd
[Rejected]

C. R. M. (DB) 1338 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 23.03.2023 in connection with Chanchal Police Station Case No.96 of 2022 dated 27.01.2022 under Sections 341/376D of the Indian Penal Code.

And

In Re: ***Nimai Das & Anr.***

... .. Petitioners

Mr. Arup Kumar Bhowmick

... .. for the petitioners

Mr. Atif Ahmed Siddiqui

... .. for the State

Affidavit-of-service is placed on record.

It is submitted on behalf of the petitioners that they have been falsely implicated. There is delay in lodging FIR. Victim has refused medical examination.

Learned Advocate for the State opposes the prayer for bail.

We have considered the materials on record including the statement of the victim recorded under Section 164 of the Code of Criminal Procedure. Petitioner no.1 was known to the victim. While she was returning home, he offered to give her a lift on his motorcycle. Thereafter, co-accused joined and all of them ravished the victim one after another. In her statement recorded under Section 164 of the Code of Criminal Procedure, victim has explained the circumstances in which she had refused medical examination. In view of the aforesaid facts and gravity of the offence, we are not inclined to grant bail to the petitioners at this stage.

The application for bail is thus rejected.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)

