

07.06.2023.
17 & 18.
Ct.No.28
as
(Rejected)

C.R.M. (DB) 1388 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Rajarhat P. S. Case No.341 of 2022 dated 11.11.2022 under Section 376D of the Indian Penal Code.

In the matter of : Madhav Agarwal & Ors.
... Petitioners.

With

C.R.R.2050 of 2023

In Re: Courts on its own motion:

Mr. Amales Ray,
Ms. Mousumi Bhowal,
Mr. Rajes Sharma.
...for the Petitioners.

Mr. Saswata Gopal Mukherji, ld. P.P.,
Mr. Nguive Ahmed, ld. A.P.P.,
Ms. Amita Gaur.
...for the State.

Ms. Jhuma Sen,
Mr. Soumya De,
Mr. Dinesh Viswakarma,
Mr. Masum Ali Sardar.
...for the de-facto complainant.

Mr. Milon Mukherjee, ld. Sr. Adv.,
Mr. Rahul Ganguly.
...for the Vishal Periwal
(CRR 2050/2023).

In Re: CRM (DB) 1388 of 2023.

Heard the learned Advocates for the parties.

We have considered the materials on record. Allegations are grave and involve gang rape of the victim. Examination of the victim is in progress. As the examination of the vulnerable witness has not been completed as yet, we are not inclined to grant bail to the petitioners at this stage.

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

Trial court shall ensure that investigating agency extends necessary protection to the victim.

In Re: CRR 2050 of 2023.

Conditions imposed on the respondent shall continue until further orders. He shall submit affidavit in response to the Rule on the adjourned date.

Explanation for releasing the respondent on bail from the police station is submitted by the arresting officers. Copy of the explanation be handed over to the learned Advocate for the complainant.

Matter will appear on 4th July, 2023.

Presence of the Investigating Officer is noted and he is directed to be present on the adjourned date.

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)