

10.04.2023
tkm/ct 28
sl no.52

C.R.M. (DB) 1402 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with English Bazar PS case no. 1173 of 2022 dated 23.7.2022 under sections 376/448 IPC

And

In Re : Arefat Ali @ Arafat Ali

..... petitioner

Mr. A Tiwari

..... for the petitioner

Mr. Ranabir Roy Chowdhury

Mr. Sandip Chakraborty

..... for the State

Petitioner submits victim has not stated in her deposition that she had been raped. Accordingly, he renews his bail prayer.

Learned lawyer for the State opposes the bail prayer.

We have examined the evidence of the victim. Her deposition is cryptic but she admits that she made statement before the Magistrate. The said statement discloses a case of rape.

Under such circumstances, we direct the trial court to recall the victim under section 311 Cr.P.C and put questions to her with regard to the factum of rape.

Under these circumstances, we are not inclined to grant bail to the petitioner at this stage.

Accordingly, prayer for bail is rejected.

Trial court is directed to examine the victim under section 311 Cr.P.C at the earliest preferably within one month from the date of communication of this order.

Copy of the order be communicated to the trial court for necessary action.

(Partha Sarathi Sen, J.)

(Joymalya Bagchi, J.)