

21.04.2023

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rejected

C.R.M. (DB) No. 1617 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Bhadreswar Police Station Case No. 76 of 2023 dated 20.02.2023 under Sections 448/342/376/506 of the Indian Penal Code.

And

In Re : Kousar Ali @ Raja Baba petitioner

Mr. Bitasok Banerjee

... for the petitioner

Mr. Avishek Sinha

... for the State

Learned Counsel for the petitioner submits he is in custody for more than two years. It is further submitted he was called to the house by the father of the victim and had been falsely implicated. He prays for bail.

Learned Counsel for the State opposes the prayer for bail.

We have considered the materials on record. In the FIR it is alleged petitioner claimed to have super natural powers. Accordingly, he was requested to come to the house to treat the daughter of the de facto complainant. There he committed rape on the victim. Absence of injuries do not *per se* improbabilise the allegation of rape. Under such circumstances, we are not inclined to grant bail to the petitioner at this stage.

The application for bail is, thus, rejected.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)

