

26.09.2023.
28.
Ct.No.28
as
(Rejected)

C.R.M. (DB) 2170 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Narendrapur P.S. Case No.1061 of 2022 dated 25.09.2022 under Sections 376(3)/120B of the Indian Penal Code and Sections 06/17 of the POCSO Act and charge sheet submitted under Sections 376(3)/120B of the Indian Penal Code and Sections 06/17 of the POCSO Act.

In the matter of : **Rakesh Naiya.**

... Petitioner.

Mr. Saibal Kanti Basu,
Mr. Tuhin Subhra Basu,
Ms. Madhushri Dutta.

...for the Petitioner.

Mr. Bidyut Kr. Roy,
Ms. Sima Biswas.

...for the State.

Ms. Minoti Gomes.

...for the De-facto complainant.

1. Learned Advocate for the petitioner places the evidence of the victim on record. She contends her client is in custody for 309 days and there is no allegation of rape against him.

2. Learned Advocate for State opposes the bail prayer.

3. Learned Advocate for the de-facto complainant also opposes the bail prayer.

4. We have considered the materials on record. We have also examined the deposition of the victim. The victim stated she had gone out with her boyfriend. At that time, the petitioner, co-accused Babu Sona and Provas intervened. They threatened the boyfriend and thereafter committed rape. Though allegation of rape is not directly

against the petitioner, evidence on record shows he shared common intention with others in the crime.

5. In view of the incriminating materials on record and the nature of offence, we are not inclined to grant bail to the petitioner.

6. Accordingly, the prayer for bail of the petitioner is rejected.

7. Trial Court is requested to expedite the trial and conclude the same at an early date without granting unnecessary adjournment to either of the parties.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)