

05.07.2023
Sl. No.123
akd
[Rejected]

C. R. M. (DB) 2275 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 06.06.2023 in connection with Domkal Police Station Case No.266 of 2019 dated 13.04.2019 under Section 376D of the Indian Penal Code.

And

In Re: ***Akbar Ali Mondal @ Akbar Ali @ Selim Sk.***

... .. Petitioner

Mr. Soumyajit Das Mahapatra
Mr. Ali Ahsan Alamgir
Ms. Rabia Khatoon
Mr. Soma Mal
Ms. June Modak

... .. for the petitioner

Ms. Faria Hossain
Mr. Anand Kesari

... .. for the State

It is submitted on behalf of the petitioner that he has been falsely implicated in the instant case. It is a case of mistaken identity. He suffers from illness and the allegation of dragging the victim and raping her is patently absurd. Accordingly, he prays for bail.

Learned Advocate for the State opposes the prayer for bail.

We have considered the materials on record. Statement of the victim and other materials implicate the petitioner in the crime. Issue with regard to mistaken identity and other circumstances canvassed before us may be best thrashed out during trial. Keeping in mind the gravity of the offence and as vulnerable witness is yet to be examined, 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.)

