

04.07.2023
tkm/ct 28
sl no.202

C.R.M. (DB) 2654 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Bally PS case no. 36 of 2023 dated 27.3.2023 under sections 376D/341/342/328/34 IPC read with section 4/6/17 of the POCSO Act

And

In Re : Rajib Naskar @ Raja

..... petitioner

Mr. Apalok Basu

Ms. R Manna

..... for the petitioner

Mr. R D Nandy

Mr. Ranadeb Sengupta

..... for the State

Petitioner is a young person and it is submitted he did not have mental capacity to understand the consequences of his act. His mother is ill and may be released on bail on this score.

Learned lawyer for the State opposes the bail prayer. He submits that the petitioner and co-accused administered deleterious substance to a minor girl and committed gang rape.

We have considered the materials on record including the statement of the minor. Allegation against the petitioner is very grave. We are also unimpressed by the submission that he may be released on bail on account of emotional stress of his mother as the vulnerable witness is yet to be examined.

Hence, we are not inclined to grant bail to the petitioner at this stage.

Accordingly, prayer for bail is rejected.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)