

14.07.2023
Sl. No.26
akd
[Rejected]

C. R. M. (DB) 2788 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 10.07.2023 in connection with Khatra Women Police Station Case No.05 of 2021 dated 20.06.2021 under Section 376(2)(j)(l)(n) of the Indian Penal Code. (G.R. Case No.292 of 2021)

And

In Re: ***Biswajit Mahata @ Shibu***

... .. Petitioner

Mr. Arkaprabha Roy

... .. for the petitioner

Mr. Iqbal Kabir

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for more than two years. It is further submitted there was consensual relationship between the parties. Accordingly, he prays for bail.

Learned Advocate for the State opposes the prayer for bail and submits victim is a deaf lady. She became pregnant.

We have considered the materials on record. Victim was a deaf lady. She has not been examined as yet. Under such circumstances, we are not inclined to grant bail to the petitioner at this stage.

The application for bail is thus rejected.

Trial court is directed to examine the victim at the earliest preferably within two months from the next date fixed before the said court without unnecessary delay. Parties shall cooperate with the trial court in this regard.

Parties shall communicate a copy of this order to the trial court for due compliance.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)

