

21.07.2023
Sl. No.9
akd
[Rejected]

C. R. M. (DB) 2861 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 13.07.2023 in connection with Krishnaganj Police Station Case No.64 of 2023 dated 21.02.2023 under Sections 376(2)(c)/506 of the Indian Penal Code and subsequently charge sheet submitted under Sections 376(2)(c)(k)/506 of the Indian Penal Code. (G.R. Case No.1466 of 2023)

And

In Re: ***Kitab Singh***

... .. Petitioner

Mr. Niladri Sekhar Ghosh
Mr. Tapodip Gupta
Ms. Sompurna Chatterjee
Mr. Sourav Mondal

... .. for the petitioner

Ms. Zareen N. Khan
Mr. Ashok Das

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 150 days. It is further submitted there was a quarrel between him and the victim lady. Petitioner has been falsely implicated in the instant case. Investigation is complete. Accordingly, he prays for bail.

Learned Advocate for the State opposes the prayer for bail and submits victim was a Constable in the BSF while the petitioner was the Commandant. Misusing his superior status he had ravished the victim.

We have considered the materials on record including the statement of the victim lady. Statement of another Constable corroborates the fact that petitioner had access to the victim lady on the date of occurrence. Allegation of rape by a superior must be treated with sensitivity and not brushed aside on vague insinuations of bias or false implication. That apart, the victim has not yet been examined and

release of the petitioner, who is superior in rank to the victim, may have an overwhelming influence on her and adversely affect the quality of depositions. Keeping in mind the aforesaid facts and gravity of the offence, 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.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)