

25.08.2023
Sl. No.30
akd
[Rejected]

C. R. M. (DB) 3342 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 11.08.2023 in connection with Barrackpore Police Station Case No.214 of 2022 dated 19.11.2022 under Sections 448/325/354B/34 of the Indian Penal Code and subsequently charge sheet submitted under Sections 448/325/354B/34/376(2)(I) of the Indian Penal Code. (G.R. Case No.11179 of 2022)

And

In Re: **Sk. Kalimuddin**

... .. Petitioner

Mr. Anindya Ghosh
Ms. Shyanti Poddar
Mr. Sayan Das
Mr. Pronay Dhar

... .. for the petitioner

Mr. Saibal Bapuli .. Id. Addl. Public Prosecutor
Mr. Arijit Ganguli
Mr. Arani Bhattacharyya

... .. for the State

1. It is submitted on behalf of the petitioner that there is delay in lodging FIR. It is further submitted there is contradiction between the allegations in the FIR and the statement of the victim recorded by Magistrate. Co-accused has been enlarged on bail. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits victim is a deaf and dumb lady. She identified the petitioner in course of Test Identification Parade.
3. We have considered the materials on record. Victim is a specially challenged lady. She has specifically implicated the petitioner in her statement recorded under Section 164 of the Code of Criminal Procedure. She has also identified him in course of Test Identification Parade. Her deposition has not yet been recorded. Petitioner does not stand on the same footing with co-accused who

has been enlarged on bail. Accordingly, we are not inclined to grant bail to the petitioner at this stage.

4. The application for bail is thus rejected.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)