

29.08.2023.
24.
Ct.No.28
as
(Rejected)

C.R.M. (DB) 3380 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Madhyamgram P.S. Case No.243 of 2022 dated 17.05.2022 under Sections 376/506/419 of the Indian Penal Code.

In the matter of : Bahar Ali.

... Petitioner.

Mr. Sumanta Chakraborty.

...for the Petitioner.

Mr. P. K. Datta, Id. A.P.P.,
Mr. Santanu Deb Roy.

...for the State.

1. Petitioner submits allegation of rape is absent in the statement of the victim recorded under Section 164 of the Code of Criminal Procedure. Accordingly, he renews his bail prayer.
2. Learned Advocate for the State opposes the bail prayer. He contends bail prayer of the petitioner was rejected repeatedly and lastly in May, 2023.
3. We have considered the materials on record. Petitioner had personated as police officer and had raped the victim. Variation in her statement before Magistrate requires to be assessed during her evidence in Court. Vulnerable witness is yet to be examined.
4. Hence, we are not inclined to grant bail to the petitioner at this stage.
5. Accordingly, the prayer for bail of the petitioner is rejected.

6. Trial court is requested to consider the issue of framing of charge at the earliest and in the event, charge is framed to examine the victim first and conclude the trial at an early date.

7. Parties shall communicate this order to the trial court for due compliance.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)