

01.09.2023
25
sdas
rejected

C.R.M.(DB) No. 3428 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Palashipara Police Station Case No. 33 of 2023 dated 25.01.2023 under Sections 365/376/34/376D of the Indian Penal Code.

And

In Re : Ajijul Sk. @ Azizul Sk. Petitioner

Mr. Manas Kumar Das
Mr. Asraf Mondal
Mr. Aritra Kumar Thokdar
....for the petitioner

Mr. Atis Kumar Biswas
Mr. Amit Singh
Mr. Jyoti Agarwal
.... for the de facto complainant

Mr. Binay Panda
Ms. Puspita Saha
..... for the State

1. Learned Counsel for the petitioner submits he is not the principal accused. He prays for bail.

2. Learned Counsel for the State opposes the bail prayer.

3. Learned Counsel for the de facto complainant also opposes the bail prayer.

4. We have considered the materials on record. The case involves gang rape of the victim. Victim has not been examined as yet. Under such circumstances bail prayer of co-accused, Rakesh Biswas @ Apa was turned down in July, 2023. In view of

the aforesaid circumstances we do not wish to grant bail to the petitioner.

5. The application for bail is, thus, rejected.

6. We request the trial court to examine the victim at the earliest.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)