

26.09.2023.
30.
Ct.No.28
as
(Rejected)

C.R.M. (DB) 3528 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Ganga Sagar Coastal Station Case No.49 of 2023 dated 10.05.2023 under Sections 448/376(2)(j)(1) of the Indian Penal Code.

In the matter of : **Bhagyadhar Singh @ Kajal.**
... Petitioner.

Mr. Partha Sarathi Mondal.
...for the Petitioner.

Ms. Faria Hossain,
Mr. Anand Keshari.
...for the State.

1. Petitioner submits he has been falsely implicated.

He is in custody for 140 days. He prays for bail.

2. Learned Advocate for State opposes the bail prayer.

He submits victim is a mentally challenged girl.

3. We have considered the materials on record.

Victim is a mentally challenged girl. She was unable to make statement but her mother narrated the incident as disclosed to her. Ability of a mother to interpret the signs and words of a special child is much higher than others. Hence, version of her mother has credibility. Vital witnesses are yet to be examined.

4. In view of the aforesaid circumstances and gravity of offence, we are not inclined to grant bail to the petitioner.

5. Accordingly, the prayer for bail of the petitioner is rejected.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)