

20.12.2023.
39.
Ct.No.28
as
(Rejected)

C.R.M. (DB) 4178 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kalna P. S. Case No.1247 of 2022 dated 20.12.2022 under Sections 343/376D/120B/323/325/365/506 of the Indian Penal Code.

In the matter of : **Ajay Das.**

... Petitioner.

Mr. A. Biswas,
Mr. M. Saha.

...for the Petitioner.

Mr. Arijit Ganguly,
Mr. Avik Ghatak.

...for the State.

Mr. P. Banerjee,
Mr. A. Rakib.

...for the de-facto complainant.

1. Petitioner submits he is not the principal accused. He stands on the same footing with co-accused viz., Manas Pal who has been enlarged on bail. He prays for bail.

2. Learned Advocate for State opposes the bail prayer.

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

4. We have considered the materials on record. Petitioner was identified by the victim in T. I. Parade. In T. I. Prade sheet victim stated petitioner had assaulted her and raped her. This is corroborated in her statement before Magistrate. But allegation of rape against Manas Pal does not find corroboration from the notings in T. I.

Parade sheet wherein it has been stated he had come to the room for 15 minutes only. There was no allegation of rape against co-accused Manas Pal made during identification.

5. Under such circumstances, we are of the opinion petitioner does not stand on the same footing with co-accused viz., Manas Pal who has been enlarged on bail. On the contrary, materials against the petitioner are grave and implicate him in the offence of rape. Victim is yet to be examined.

6. Hence, we are not inclined to grant bail to the petitioner at this stage.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)