

20.12.2023
Sl. No.75
akd
[Rejected]

C. R. M. (DB) 4587 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 05.12.2023 in connection with Eco Park Police Station Case No.261 of 2021 dated 26.09.2021 under Sections 376/376A/328 of the Indian Penal Code. (G.R. Case No.3902 of 2021)

And

In Re: ***Sayan Singha Babu***

... .. Petitioner

Mr. Ayan Bhattacharjee
Mr. Suman Majumder
Mr. Arijit Chowdhury

... .. for the petitioner

Mr. Parthapratim Das
Ms. Sonali Bhar

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for over 800 days. It is further submitted victim did not suffer injuries in course of sexual intercourse. Petitioner and the victim were known to each other. He took the victim to hospital. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits victim is presently in a vegetative state. At the hospital she made a statement before the doctor where she claimed she had been subjected to sexual assault against her will. Immediately thereafter she had been hospitalised.
3. We have considered the materials on record. Statement of the victim before the doctor shows she had been subjected to sexual assault against her will. It is contended that the statement was obtained through prompting. This issue requires to be thrashed out in course of trial. There are evidence to show immediately after the incident victim became seriously ill and had been hospitalised. Trial is in

progress and a number of witnesses have already been examined.

Under such circumstances and in view of gravity of the offence, we are not inclined to grant bail to the petitioner at this stage.

4. The application for bail is thus rejected.
5. Trial court is directed to expedite the trial and conclude the same at an early date.
6. Parties shall communicate a copy of this order to the trial court for due compliance.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)