

21.12.2023
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rejected

C.R.M.(DB) No. 4734 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 365/376D/34 of the Indian Penal Code.

And

In Re : Rakesh Biswas @ Apa Petitioner

Mrs. Karabi Roy

....for the petitioner

Mr. Joydeep Roy

Mr. Sudip Bhattacharyya

..... for the State

Mr. Atis Kumar Biswas

Mr. Amir Singh

Ms. Jyoti Agarwal

Ms. Piyu Mondal

..... for the de facto complainant

1. Learned Counsel for the petitioner submits there is slow progress in the trial and victim has not been examined as yet. He renews his bail prayer.

2. Learned Counsel for the State opposes the prayer for bail and submits date has been fixed for consideration of charge in January, 2024.

3. Learned Counsel for the de facto complainant submits victim was gang raped by the petitioner and co-accused.

4. We have considered the materials on record. Bail prayer of the petitioner was rejected earlier on merits. Petitioner stands

on the same footing with the said co-accused. Hence, we are not inclined to grant bail to the petitioner at this stage.

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

6. Trial court is directed to consider the issue of framing of charge on the next date fixed before it and if it is unable to do so positively within fortnight thereof. Thereafter victim girl shall be examined.

7. Parties shall communicate copy of this order to the trial court.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)