

11.07.2023
Item no.16
Court No.1.
AB
(Rejected)

**Calcutta High Court
In the Circuit Bench at Jalpaiguri**

CRM (DB) No. 338 of 2023

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure in connection with Dhupguri Police Station Case No.510 of 2022 Dated 30.8.2022 under Section 376(2)(1)(n) / 120B of the Indian Penal Code

And

In the matter of : Subash Roy @ Subhash RoyPetitioner.

Mr. Anirban Banerjeefor the Petitioner.

Mr. A. S. Chakraborty, Id. APP

Mr. Ujjwal Luksom,

Ms. Namrata Dasfor the State.

Heard learned Advocate for the petitioner and learned Advocate for the State at length.

On perusal of the entire material in the case diary, it appears that the allegation of committing rape by the present accused petitioner upon a mentally challenged lady gets due support from the statement of the victim as well as from other material collected in course of the investigation.

Considering the gravity of the offence, we are not inclined to exercise our discretion in favour of the present petitioner.

Accordingly, the prayer for bail is rejected, at this stage.

CRM (DB) No.338 of 2023 is dismissed.

(Partha Sarathi Sen, J.)

(Arijit Banerjee, J.)

