

07.02.2024
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rejected

C.R.M.(DB) No. 351 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Jorasanko Police Station Case No. 177 of 2022 dated 05.07.2022 under Section 376 of the Indian Penal Code.

And

In Re : Suraj Sharma @ Suraj Sk. petitioner

Mr. Raja Mukherjee

....for the petitioner

Mr. Prasun Kumar Datta, learned APP

Ms. Baishakhi Chatterjee

... for the State

1. Learned Counsel for the petitioner submits he is in custody for more than a year. It is also submitted there was delay in lodging FIR. Victim was unaware that she had been raped. He prays for bail.

2. Learned Counsel for the State opposes the prayer for bail.

3. We have considered the materials on record. Victim was administered stupefying substance and had become unconscious. Thereafter she was raped. Subsequently she was recovered. Due to aforesaid circumstances there was delay in reporting the incident. Five out of ten witnesses have 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. Application for bail is, thus, rejected.

5. Trial court is directed to expedite the trial and conclude the same at an early date without granting unnecessary adjournment to either of the parties.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)