

13.02.2024
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rejected

C.R.M.(DB) No. 401 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Nalhati Police Station Case No. 139 of 2021 dated 26.04.2021 under Sections 448/325/376(1) of the Indian Penal Code.

And
In Re : Mojarul Mir @ Majarul Mir Petitioner

Mr. Swapan Kumar Mallick
Ms. Sudeshna Das
....for the petitioner

Mr. Anwar Hossain
Mr. Goutam Wilson
..... for the State

1. Learned Counsel for the petitioner submits he is in custody for more than two years. It is also submitted that vulnerable witnesses have been examined. He prays for bail.

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

3. We have considered the materials on record. We have gone through the evidence of the victim as well as her father. Apart from a bald suggestion of false implication due to outstanding dues no material was placed during cross-examination that there were prior business/loan transactions between the parties. On the other hand, victim stated that she was forcibly raped and suffered injuries. Medical report supports her evidence. Under such circumstances we do not consider it prudent to release the petitioner on bail.

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 preferably within one year from the next

date fixed for recording evidence without granting unnecessary adjournment to either of the parties.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)