

**CRM (DB) 2573 of 2024**

**In re:** An application for bail under Section 439 of the Code of Criminal Procedure.

- A n d -

**In the matter of : Uttam Malik.**

.... Petitioner.

Mr. Moloy Roy,

... For the Petitioner.

Mr. Partha Pratim Das,  
Ms. Sima Biswas,

... For the State.

Mr. Soumya Basu Roy Chowdhuri

...for the de facto complainant.

**Order dictated by Arijit Banerjee, J.**

1. The petitioner says that he has been falsely implicated. He is, in no way, connected with the alleged incident of rape. He is in custody for 11 months. His further custodial detention is not necessary. He prays for bail.
2. Opposing the prayer, learned advocates for the State and the de facto complainant draw our attention to the statements of the victim girl and other witnesses recorded under Section 164 Cr.P.C. The victim girl appears to be suffering from DOWN-SYNDROME.
3. We find that the victim girl refused medical examination. However, it cannot be said that there is no incriminating material at all against the petitioner. Further, the vulnerable witnesses being the survivor girl and her mother are yet to be examined.

4. Hence, we are not inclined to allow the petitioner's prayer for bail, at this stage.
5. Accordingly, CRM (DB) 2573 of 2024 is dismissed.
6. We direct the learned trial Court to complete the examination of the vulnerable witnesses within a month from the next date fixed for recording of evidence which we are told is September 21, 2024.
7. Let this order be communicated by the parties to the learned trial Court.

**( Prasenjit Biswas, J. )**

**( Arijit Banerjee, J. )**