

08.01.2024
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rejected

C.R.M.(DB) No. 4816 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Berhampore Police Station Case No. 992 of 2023 dated 20.07.2023 under Sections 341/376D/379/506/34 of the Indian Penal Code.

And

In Re : Bappa Saha Petitioner

Mr. Tapodip Gupta

....for the petitioner

Mr. Sudip Ghosh

Mr. Asraf Mandal

..... for the State

Mr. Soumen Chatterjee

Mr. H. Rahaman

Mrs. Karabi Ray

Ms. Tithi Paul

Mr. Bijay Sarkar

Ms. Sanchayita Ray

Ms. Sumana Mukherjee

Ms. Manju Mandal

..... for the de facto complainant

1. Learned Counsel for the petitioner submits allegation of gang rape is not supported by medical evidence. He prays for bail.

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

3. Learned Counsel for the de facto complainant also opposes the prayer for bail.

4. We have considered the materials on record. Statement of victim recorded under Section 164 of the Code of Criminal

Procedure implicates the petitioner in the alleged crime. Absence of injuries *per se* is not a ground to improbabilise her statement. In view of gravity of the offence and materials on record, we are not inclined to grant bail to the petitioner at this stage.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)