

12.11.2024  
Item no. 102.  
Court No.1.  
AB  
(Rejected)

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

**CRM (DB) 558 of 2024**

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973/Under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with NJP P. S. Case No.491 of 2024 Dated 22.5.2024 under Section 376(2)(1)/323 of the Indian Penal Code

And

**In the matter of : Akbar Khan @ Akbar Ali**

**.....Petitioner.**

Ms. Pratusha Dutta Choudhury.....for the Petitioner.

Mr. A. S. Chakraborty, ld. APP  
Mr. Biswarup Roy .....for the State.

**Dictated by Arijit Banerjee, J.**

1. Service report filed by the State, be kept with the records. In spite of service, nobody appears for the defacto complainant.
2. The petitioner says that he has been falsely implicated. He is in custody for 169 days. Investigation is complete. Charge sheet has been filed. There is no need to detain him in judicial custody any further.
3. Learned Advocate for the State, while opposing the prayer for bail, has shown us the statement of the victim lady's daughter, recorded under Section 164

Cr.P.C. She narrates the complete incident clearly. The victim lady is mentally disbalanced. Taking advantage, the petitioner appears to have ravished her. The medical report prima facie supports the prosecution case.

4. In view of such prima facie incriminating evidence against the petitioner and the gravity of the alleged offence, we are not inclined to allow the petitioner's prayer for bail, at this stage.
5. The prayer for bail is rejected.
6. CRM (DB) 558 of 2024 is dismissed.
7. Since the petitioner is in custody for over five months, we request the learned Trial Court to expedite the trial to the utmost and conclude the same on an early date.
8. The parties shall communicate this order to the learned Trial Court.
9. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

**(Biswaroop Chowdhury, J.)**

**(Arijit Banerjee, J.)**

