

D/L49

26.02.2025

Rohit

ct.no.26

C.R.M. (DB) 4157 of 2024

In Re: An application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Domkal Police Station Case No. 253 of 2023 dated 13.04.2023 under Sections 376D of the Indian Penal Code.

And

In Re: **1. Tujam Sk. @ Tujammel Sk. @ Tujammel Mondal @ Tajommel Sekh**

2. Nilkantha Das @ Nilkontho das

...Petitioners
cv

Ms. Shabana Hasin
Ms. Samima Akter

...for the petitioner

Mr. Rudradipta Nandy, Ld. A.P.P
Mr. B. Bhattacharya
Mr. Asraf Mondal

...for the State

Mr. Aritra Kumar Tk.dar

...for the de-facto complainant

1. Petition was pending before the Co-ordinate Bench and was heard on merits on at least two dates i.e., on January 27, 2025 and February 7, 2025.
2. Hon'ble The Chief Justice assigned bail applications filed up to December 31, 2024 to this Bench in the month of February, 2025 pursuant to which the present application is under consideration by this Bench.
3. Learned Advocate appearing for the petitioners submits that the petitioner does not wish to press the present application for bail.

4. We are not convinced with the bona fides of the sudden change of thought of the petitioner.
5. Affidavit affirmed by the de-facto complainant which claims that she is now happily married and does not wish to proceed with the police case, be taken on record.
6. Police case is one of gang rape. De-facto complainant recorded her statement under Section 164 of the Criminal Procedure Code implicating the petitioners before us in such incident.
7. Petitioners before us are apparently sufficiently resourceful so as to arrange a change of stance of the de-facto complainant and that to on affidavit during the pendency of the trial.
8. Enlarging the petitioners on bail will be inimical to the trial giving such conduct more particularly the fact that the petitioners are bench hunting in view of the conduct of the petitioners between the previous bench and this bench.
9. In such circumstances, we are not inclined to grant bail to the petitioners.
10. Prayer for bail of the petitioners is **rejected**.
11. **C.R.M.(DB) No. 4157 of 2024** is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)