

27.01.2025
Item no. 57.
Court No.29.
AB
(Rejected)

CRM (DB) 4172 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 Manikchak P.S. Case No.790 of 2023 Dated 28.09.2023 under Section 363 365/376(n) of the Indian Penal Code read with Section 6 of the POCSO Act

And

In the matter of : Rakhal Rajak

.....Petitioner.

Mr. Amitabha Karmakar,
Mr. A. K. Bhowmickfor the Petitioner.

Ms. Faria Hossain
Mr. Rajesh Janafor the State.

Dictated by Apurba Sinha Ray, J.

1. Learned Counsel for the petitioner has submitted that only 2 witnesses have been examined in this case. There are 18 witnesses in the charge sheet. There is no chance of an early conclusion of the trial. The deposition of victim girl cannot be relied upon. If the petitioner is enlarged on bail, he will comply with all the directions as would be imposed upon him.
2. Learned Counsel for the State opposes the prayer for bail. According to her, there are sufficient incriminating materials against the petitioner.
3. We have considered the materials on record including the deposition of the victim girl. We find that there are sufficient incriminating materials against the petitioner.

The victim girl has specifically stated that the present petitioner committed rape on her on a number of occasions.

4. We are of the view, if the victim's deposition raises confidence in the mind of the learned Trial Court, the medical report may not be an important document in that case.
5. In view of the aforesaid, we are not inclined to entertain the petitioner's prayer for bail.
6. The prayer for bail is rejected.
7. CRM (DB) 4172 of 2024 is dismissed.
8. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)