

07.01.2026
SL.272
Ct.No.28
NB

CRM (M) 2309 of 2025

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure, 1973 corresponding to Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Palashipara P.S. Case No.182 of 2025 dated 23.04.2025 under Sections 70(1) of the Bharatiya Nyaya Sanhita, 2023.

And

In the matter of: Rahul Das Bairagya

.... petitioner

Mr. Asraf Mondal.

...for the petitioner.

Mr. Md. Anwar Hossain,

Mr. Arani Bhattacharya.

...for the State.

Report filed on behalf of the State is taken on record.

Despite service, no one appears on behalf of the alleged survivor.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner has been in custody for about 8½ months. It is alleged that while the petitioner had forcibly taken away the victim and raped her, two others were present with him. Those two others have been granted bail. 27.01.2026 is fixed as the next date for framing of charge.

Learned counsel appearing on behalf of the State strongly opposes the prayer for anticipatory bail. He refers to the statements of the victim recorded before the learned Magistrate. He also relies on the medical report, which shows infliction of injury, requiring measures to repair the damage. The victim was only about 18 years old.

It appears that a date has been fixed for framing of charge.

In such cases, it is important to at least ensure examination of the vulnerable witness.

Considering the above and the other incriminating materials available in the case diary, I do not consider this to be a fit case for granting bail.

The application for bail is, thus, rejected at this stage.

Urgent photostat certified copies of this order may be delivered to the learned Advocates for the parties, if applied for, upon compliance of all formalities.

(Jay Sengupta, J.)