

19.02.2019
Sl. No.31
Ct-42
BM

Rejected

CRM 1839 of 2019

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 06.02.2019 in connection with Panskura Police Station Case No.595 of 2018 dated 04.12.2018 under Section 376(2)(n) of the Indian Penal Code (G.R Case No.2389 of 2018).

And

In the matter of : Ashok Samanta

... Petitioner

Mr. Suman De	
Mr. Debanshu Ghorai	... for the petitioner
Mr. Indrajeet Dey	... for the defacto complainant
Ms. Z. N. Khan	
Ms. Trina Mitra	... for the State

It is submitted by the learned advocate appearing for the petitioner that the petitioner is innocent and has been falsely implicated in this case and he is in custody for about 77 days.

The learned advocate appearing for the State opposes the prayer for bail and submits that rape is committed upon a mentally retarded girl and the investigation is still under progress.

We have perused the case diary including the statements of the victim girl recorded under Section 164 of the Code of Criminal Procedure, the medical report etc.

Having considered the submissions of the learned advocates appearing for the respective parties, the nature and gravity of the offence and the materials in

the case diary showing prima facie involvement of the petitioner in the commission of the offence upon a mentally unsound girl and further that investigation is still under progress, we are not inclined to grant bail to the petitioner at this stage.

Accordingly the prayer for bail is rejected.

CRM 1839 of 2019 is thus disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties after compliance of necessary formalities.

(Md. Mumtaz Khan, J.)

(Tirthankar Ghosh, J.)