

04.04.2022.
16.
as
(Rejected)

C.R.A. 81 of 2021
with
CRAN 2 of 2022

In Re:- An application for bail in connection with appeal under Section 389 of the Code of Criminal Procedure.

In the matter of : Habibur Rahaman @ Habu.
... Appellant.

Mr. Jisan Iqubal Hossain.
...for the Appellant.

Mr. Swapan Banerjee,
Mr. Suman De.
.....for the State.

Heard the learned Advocates appearing for the parties.

Learned Advocate appearing for the appellant submits that there is delay in lodging the first information report. Evidence of the victim (P.W.1) is not corroborated by other inmates of the family.

Learned Advocate appearing for the State opposes the prayer for suspension of sentence and submits that the victim is the step daughter of the appellant and was repeatedly ravished by him.

We have considered the materials on record. Appellant was the step father of the victim and had control and dominion over her.

In view of the superior status of the appellant vis-a-vis the minor who was subjected to penetrative sexual assault, delay in lodging the first information report by itself cannot

be a ground to doubt the truthfulness of the prosecution case. Evidence of P.W.1 is clear and convincing.

In view of the aforesaid evidence on record and the gravity of the offence, we are not inclined to suspend the sentence of the appellant.

Accordingly, the application, being CRAN 2 of 2022 is rejected.

Paper books be prepared within eight weeks upon receipt of the lower court records.

Liberty to mention.

Photostat certified copy of this order, if applied for, be given to the parties as expeditiously as possible.

(Bivas Pattanayak,J.)

(Joymalya Bagchi, J.)