

>> IN THE COURTS

Cops denied bail in deaf & mute rape case

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THREE POLICEMEN who raped Agnes Gambier, a deaf and mute inmate, in a police van four years ago have been denied bail by the Calcutta High Court. This is the fourth time that their bail pleas have been refused by a court.

A two-judge vacation Bench of justices A.K. Mitra and S.P. Mitra on Thursday denied bail to Reserve Force constable Pradip Chandra Das and Kolkata Police constables Ashok Dey and Satish Chandra Mahato who have been detained in jail for over 18 months.

The policemen had filed a petition in the Calcutta High Court, seeking bail and urging expeditious trial.

Agnes was raped in a prison van while she was being taken to the Alipore court on September 19, 2000, for trial. The Presidency Jail superintendent lodged a complaint the next day and the Hastings police started a case of rape.

Acting on a PIL alleging unfair investigation, the high court had on March 22, 2001, transferred the investigation to the state CID headed by DIG, V.V. Thambi.

In July, the CID filed a chargesheet against Pradip, Ashok and Satish. The three policemen surrendered before the SDJM who granted them bail. The case was sent to Alipore Sessions Judge for trial.

On October 5, 2002, the sessions judge cancelled the bail of the three accused and sent them to jail. The cops moved the high court but their appeal was rejected. This year, the three cops once again moved the sessions court seeking bail but their plea was rejected. They then filed a petition in the high court.

Moving the petition, the lawyers of the accused policemen, Sekhar Basu and Phiroze Edulji, said: "Out of the 40 witnesses the police have examined till now only one till date. The three policemen have been falsely implicated and there is no chance of the trial ending conclusion of the trial in near future."

Citing the CID's evidence, advocate Basu said: "The test identification parade was conducted before the SDJM in 2000 but Agnes had failed to identify any of the accused. The report of the DNA test conducted on Agnes also did not prove that any of the accused policemen were the biological father of Agnes's child. But the CID filed the chargesheet on the basis of an identification parade conducted after expiry of two years of the incident allegedly identifying these cops as accused."