

27.08.2019.
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as
(Rejected)

***Calcutta High Court
In the Circuit Bench at Jalpaiguri***

C.R.M. 690 of 2019

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 14.08.2019 in connection with Alipurduar Women P. S. Case No.39 of 2019 dated 23.05.2019 under Sections 376/341/506 of the Indian Penal Code.

In the matter of : Swapan Roy @ Khageswar.

... Petitioner.

Mr. Arnab Saha.

...for the Petitioner.

Mr. Nilay Chakraborty,

Mr. Sanjiv Das.

.....for the State.

Heard the learned Advocates appearing for the parties.

It is submitted on behalf of the petitioner that there was an amorous relationship between the parties. Subsequently, he has been falsely implicated by the husband of the victim lady.

Learned Advocate appearing for the State opposes the prayer for anticipatory bail and submits that the victim lady was subjected to forcible sexual intercourse while she was pregnant.

We have considered the materials on record and we note that the allegation of forcible sexual intercourse during pregnancy resulting in missed abortion is supported by medical evidence.

In view of the aforesaid facts, we are of the opinion this is not a fit case to grant anticipatory bail to the petitioner.

Accordingly, the prayer for anticipatory bail of the petitioner is rejected.

(Manojit Mandal,J.)

(Joymalya Bagchi, J.)