

**20.04.2021**

Item No.7

Ct.No.28

dc.

**Rejected**

**C.R.M. 866 of 2021**

**(Via Video Conference)**

In Re : An Application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

And

In Re : **Sk. Miraj**

... Petitioner.

Mr. Uday Sankar Chattopadhyay,  
Ms. Snigdha Saha

... For the Petitioner.

Mr. Bidyut Kumar Roy,  
Ms. Rita Datta

... For the State.

Apprehending arrest in connection with Nanoor P.S. Case No. 104 of 2020 dated 02.09.2020 under Sections 448/376/506 of the Indian Penal Code, the present application has been preferred.

Report submitted by the O.C., Nanoor Police Station be kept with the record.

The explanations assigned in the said report are not satisfactory. We find that in a case under Section 376 of the Indian Penal Code even after the victim reported to the police station then also the case was not registered and the victim had to take resort to Section 156(3) of the Code of Criminal Procedure. In view of the conduct of the police authorities, there has been delay in registration of the FIR as the case was registered pursuant to the direction of the learned A.C.J.M., Bolpur, Birbhum.

Having regard to the merits of the case, we are not inclined to extend the benefit of Section 438 of the Code of Criminal Procedure to the present petitioner. As such, the petitioner's prayer for anticipatory bail is **rejected**.

The personal appearance of the O.C., Nanoor Police Station is dispensed with.

The application for anticipatory bail being, CRM 866 of 2021, is, thus, dismissed.

**(Tirthankar Ghosh, J.)**

**(Soumen Sen, J.)**