

48. 28.07.2021
Ct.32
Tanmoy

C.R.M. 1813 of 2021

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on **12/02/2021** in connection with **Kaliachak Police Station Case No. 93 of 2020** dated **02/02/2020** under Sections **341/354(B)/323/376(D)/511/506/34** of the Indian Penal Code.

And

In the matter of: - **Rintu Das @ Pappu Mondal.**

....petitioner.

Mr. Salman Hasan (through V.C.)

...for the petitioner.

Mr. Rudradipta Nandy

...for the State.

The petitioner is one of the four accused persons. The charge is, *inter alia*, under Sections 376(D)/511 of the Indian Penal Code.

The version of the petitioner is that when the victim girl was returning from college she was stopped by the four accused persons and her clothes were torn by them. Before they could actually do anything further, people assembled and they fled.

We have heard learned Counsel for the State and we have perused the material in the Case Diary. We have seen the statements of the victim girl recorded under Sections 161/164 of the Code of Criminal Procedure. The statements are quite consistent and vivid. We are told that the other three co-accused persons have been apprehended and were in custody but were granted bail by this Court by an order dated July 8, 2020 in view of their protracted detention in custody and lack of medical evidence.

We have considered the material on record and the facts and circumstances of the case. We are of the view that the petitioner should obtain regular bail from the appropriate Court. In view of the nature and gravity of the charge, we are not inclined to allow this application.

The petitioner shall not be arrested for a period of one month in the event he surrenders before the Court below within a week from date. If the petitioner files an application for bail before the competent authority, the same shall be decided in accordance with law without being influenced by any observation in this order.

Accordingly, the application for anticipatory bail being C.R.M. 1813 of 2021 is **dismissed**.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Suvra Ghosh, J.)

(Arijit Banerjee, J.)