

26.08.2021

Court No.28
Item No.280
(Dismissed)

Akd
&
As

CRM 1964 of 2021
(Via Video Conference)

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with Chanchal Police Station Case No. 678 of 2020 dated 11.08.2020 under Sections 448/323/325/376/511/307/34 of the Indian Penal Code;

And

In the matter of : **Rashid Ali**

...Petitioner

Ms. Sujata Das.

...For the Petitioner

**Mr. P. K. Datta,
Mr. Subrata Roy.**

...For the State.

Apprehending arrest in connection with Chanchal Police Station Case No. 678 of 2020 dated 11.08.2020 under Sections 448/323/325/376/511/307/34 of the Indian Penal Code, the petitioner has filed the instant application for anticipatory bail.

It is submitted by the learned Advocate for the petitioner that the petitioner has been implicated falsely in the instant case and the police is chasing him to take into custody. It is further submitted that there was an old rivalry between the two families and the present case has been inflicted out of vengeance.

The State opposes the prayer for anticipatory bail and submits that the petitioner has committed a grievous offence of rape, which would be divulged from the statement of the victim lady.

After hearing the respective Counsels and on perusal of the statement of the victim lady recorded under Section 164 of the Code of Criminal Procedure, we find that the complicity of the petitioner in the commission of offence is prima facie apparent, which does not justify the benefit of Section 438 of the Code of Criminal Procedure to be extended.

The prayer for anticipatory bail is thus rejected.

The application for anticipatory bail, being CRM 1964 of 2021 is thus **dismissed**.

(Harish Tandon, J)

(Bibek Chaudhuri, J.)