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C. R. M. No. 7519 of 2021.

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Goaltore Police Station Case No. 139 of 2021 dated 22.09.2021 under Sections 448/323/325/354B/506/34 and added Section 376 of the Indian Penal Code;

And

In the matter of : Swapan Hembram @ Baskey
.....petitioner

Mr. Mrityunjoy Chatterjee
Mr. Bhaskar Hutayit
Mr. Sreejeet Basu Roy
...for the petitioner.

Mr. Debabrata Chatterjee
Mr. Arup Sarkar
...for the State.

The petitioner seeks anticipatory bail.

Learned advocate appearing for the petitioner submits that, the petitioner was falsely implicated in the present case and points out that the incident occurred on September 21, 2021 and the complaint was lodged on September 22, 2021 when the *de facto* complainant did not make out a case under Section 376 of the Indian Penal Code. Such case was subsequently sought to be incorporated on the basis of the statement recorded under Section 164 of the Code of Criminal Procedure on September 24, 2021.

Learned advocate appearing for the State draws the attention of the Court to the materials in the case diary. He opposes the prayer for anticipatory bail.

Considering the statements made under Section 164 of the Code of Criminal Procedure, the injury report and the statements recorded under Section 161 of the Code of Criminal Procedure of two persons who claims to be eye witnesses of the incident, we are unable to grant anticipatory bail to the petitioner.

Accordingly, prayer for anticipatory bail of the petitioner is rejected and the application being CRM 7519 of 2021 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)