

16.06.2021.
02.
as/ab
(Rejected).

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH IN JALPAIGURI.**

C.R.M. 631 of 2021

(Via Video Conference)

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Mal P.S. Case No.213 of 2021 dated 02.05.2021 (G. R. Case No.2090 of 2021) under Sections 448/376/506 of the Indian Penal Code.

In the matter of : Ganesh Roy @ Jhantu.

... Petitioner.

Ms. Madhusri Dutta.

...for the Petitioner.

Mr. Kallol Acharjee,
Mr. Aniruddha Biswas.

.....for the State.

The Advocate-on-record of the petitioner undertakes to affirm and stamp the petition/application as per the Rules within four weeks from date. Subject to such undertaking, the application is taken up for hearing.

Apprehending arrest in connection with Mal P.S. Case No.213 of 2021 under Sections 448/376/506 of the Indian Penal Code, the petitioner has filed the instant application for anticipatory bail.

The learned Advocate appearing for the petitioner submits that the petitioner has been falsely implicated in connection with the aforesaid case. It is further submitted that there has been considerable delay in lodging the First

Information Report by the victim lady who alleged the commission of rape.

Learned Advocate appearing for the State opposes the prayer for anticipatory bail. It is submitted that the incident narrated by the victim lady in the First Information Report and the statement recorded under Section 164 of the Code of Criminal Procedure will corroborate the prima facie commission of offence. It is further submitted that the investigation is still in progress.

After hearing the respective submissions and the nature of the offence alleges to have been committed and the statements of the victim lady recorded under Section 164 of the Code of Criminal Procedure, we do not feel that it is a fit case where the petitioner is entitled to the privilege of anticipatory bail. Furthermore, the investigation is at the nebulous stage.

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

(Harish Tandon, J.)

(Subhasis Dasgupta,J.)