

31.03.2022
Sl. 2
Court No.29
sourav
(Rejected)

C.R.M. (A) 1378 of 2022

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Beldanga** P.S. Case No. **307** of **2021** dated **05.07.2021** under Sections **376/511** of the Indian Penal Code.

And

In the matter of: **Md Habbibur Rahaman @ Habibur Sk**

....petitioner.

Mr. Anit Dey,

...for the petitioner.

Mr. Imran Ali,

Ms. Debjani Sahu,

...for the State.

The application is taken up subsequent to the order dated March 28, 2022.

In the statement of the victim recorded under Section 164 of the Criminal Procedure Code, the victim claims that her baby was thrown away and that the baby sustained injuries. In fact, she alleges that the petitioner attempted to rape her and in the scuffle, the baby was thrown away and the baby sustained injuries.

In order to appraise ourselves as to whether, the baby did suffer injuries or not, as claimed by the victim in her statement recorded under Section 164 of the Criminal Procedure Code, we by the order dated March 28, 2022, called upon the State to produce the original case diary.

Learned advocate appearing for the State produces copies of the injury report of the child of the victim which corroborates the statement of the victim recorded under Section 164 of the Criminal Procedure Code. The child sustained injuries.

Considering the gravity of the offence and the involvement of the petitioner therein as transpiring from the materials in the case diary including the statement of the victim recorded under Section 164 of the Criminal Procedure Code, we are unable to grant anticipatory bail to the petitioner.

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

C.R.M. (A) 1378 of 2022 is, thus, dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)

