

05.05.2022

19

Ct. No. 29

**KAUSHIK
REJECTED**

C.R.M.(A) 2040 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Gazole** Police Station Case No. **141** of **2022** dated **20.02.2022** under Sections 448/376/506 of the Indian Penal Code, 1860.

And

In Re : Abdul Samad

..... petitioner

Mr. Mrityunjoy Chatterjee

Mr. Kaushik Dey

Mr. Debapriya Majumdar

....for the petitioner

Mr. Tanmoy Kumar Ghosh

Ms. Sonali Bhar

....for the State

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner submits that, the petitioner was falsely implicated. He alludes to the delay in lodgment of the First Information Report.

Learned advocate appearing for the State draws the attention of the Court to the statement of the victim recorded under Section 164 of the Code of Criminal Procedure (Cr.P.C.).

Apparently, the victim and the petitioner are relatives. The victim in her 164 Cr.P.C. statement claims that she was ravished in presence of her husband. She could not confide in

her husband during his lifetime about the incident due to fear. Thereafter, the petitioner attempted to ravish her again.

Considering the materials in the case diary and the 164 Cr.P.C. statement of the victim, 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 (A) 2040 of 2022 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)