

05.07.2022

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Ct. No. 29

**KAUSHIK
REJECTED**

C.R.M.(A) 3152 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Harishchandrapur** Police Station Case No. **223** of **2022** dated **27.03.2022** under Sections 363/365 of the Indian Penal Code and Section 6 of the Protection of Children from Sexual Offences Act.

And

In Re : Ajijur Rahaman @ Azizur Rahaman @
Ajjur Rahaman & Ors.

..... petitioners

Mr. Atarup Banerjee
Mr. Tapodip Gupta
Ms. Poulomi Roy

....for the petitioners

Mr. Tanmoy Kumar Ghosh
Mr. Arindam Sen
Ms. Pritha Paul

....for the State

Petitioners pray for anticipatory bail.

Learned advocate appearing for the petitioners submits that, the petitioners were falsely implicated. He refers to the First Information Report (FIR). He submits that, there was a relationship between the first petitioner and the victim. He submits that, the victim refused medical examination. He contends that the police complaint is a result of political rivalry since the father of the first petitioner holds the position of the 'Gram Panchayat'.

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.) and to the other contents of the case diary.

In her 164 Cr.P.C. statement, the victim names the first three petitioners as the abductors. The first petitioner is identified as the person, who apart from abducting the petitioner ravished her. The petitioner no. 4 is stated to be the driver of the vehicle, which was used in the abduction of the victim.

In such circumstances, considering the complicity of the petitioners in the incident as transpiring from the 164 Cr.P.C. statement of the victim and the other materials in the case diary, we are unable to grant anticipatory bail to the petitioners.

Accordingly, prayer for anticipatory bail of the petitioners is rejected and the application being CRM (A) 3152 of 2022 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)