

05.07.2022

26

Ct. No. 29

**KAUSHIK
REJECTED**

C.R.M.(A) 3153 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Hariharpara** Police Station Case No. **201** of **2022** dated **11.05.2022** under Sections 341/325/379/308/34 of the Indian Penal Code.

And

In Re : Jyotsna Bibi @ Jostna & Ors.

..... petitioners

Mr. Kingsuk Mondal

....for the petitioners

Mr. Shiladitya Banerjee

Mr. Atanu Ghosh

....for the State

Petitioners pray for anticipatory bail.

Learned advocate appearing for the petitioners submits that, the first petitioner was initially ravished by the brother-in-law of the de-facto complainant on May 10, 2022. The first petitioner reported such incident before the doctor on May 10, 2022. He refers to the medical documents in this regard. He submits that, the police did not lodge the First Information Report (FIR). Consequently, the first petitioner complained to the concerned Superintendent of Police in writing on May 13, 2022. He refers to the complaint lodged by the first petitioner in this regard to the Superintendent of Police. He submits that,

on May 11, 2022, the incident happened. The petitioners were falsely implicated.

Learned advocate appearing for the State submits that, the allegation of rape of the first petitioner does not transpire from the materials in the case diary. He refers to the injury reports of the victims. He submits that the victims suffered fracture injury, which are grievous in nature. He refers to the statement recorded under Section 161 of the Code of Criminal Procedure (Cr.P.C.).

In the present police case, there are injury reports of victims suggesting grievous hurt. There are statements of the injured recorded under Section 161 of the Criminal Procedure Code, implicating the petitioners. The allegations of rape case in respect of another police case, if there be any. The petitioners stand implicated in the present police case on the basis of the materials in the case diary. Therefore, considering the gravity of the offence and the involvement of the petitioners therein as transpiring from the 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) 3153 of 2022 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)