

**08.07.2022**  
Serial no.33  
Aloke

**CRM (A) 3240 of 2022**

In re : An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Taherpur Police Station Case No.147 of 2022 dated 07.04.2022 under Section 376 of the Indian Penal code.

-And-

In the matter of : **Sarpan Banik**

... .. Petitioner

Mr. Sumanta Das, Advocate

... .. For the Petitioner

Ms. Sayanti Santra, Advocate

... ..For the State

Petitioner seeks anticipatory bail.

Learned Advocate appearing for the petitioner submits that there is a previous police complaint against the de facto complainant lodged by the petitioner. The incident is a fall out of property dispute.

Learned Advocate appearing for the State draws the attention to the statement of the victim recorded under Section 164 of the Code of Criminal Procedure as also to her injury report. She submits that the victim refused to undergone medical examination.

In her statement recorded under Section 164 of the Code of Criminal Procedure, the victim implicates the petitioner. Her statement recorded under Section 164 of the Code of Criminal Procedure is corroborated to a large extent by the injury report.

The petitioner is unable to establish that a previous complaint was lodged by him as against the de facto complainant, as claimed.

In such circumstances, we are unable to grant anticipatory bail to the petitioner.

Prayer for anticipatory bail of the petitioner is rejected.

CRM (A) 3240 of 2022 is dismissed.

**(Debangsu Basak, J.)**

**(Bibhas Ranjan De, J.)**