

15.07.2022

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Ct. No. 29

**KAUSHIK
REJECTED**

C.R.M.(A) 3382 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Bhutni** Police Station Case No. **97** of **2022** dated **12.06.2022** under Sections 448/376 of the Indian Penal Code, 1860.

And

In Re : Moni Mandal

..... petitioner

Mr. Amitava Karmakar

Mr. Arup Kumar Bhowmick

....for the petitioner

Mr. Arijit Ganguly

Mr. Avik Ghatak

....for the State

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner submits that, the petitioner was falsely implicated. There is a delay in lodgment of the First Information Report (FIR).

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.).

In her 164 Cr.P.C. statement, the victim squarely implicates the petitioner.

The delay in lodgment of FIR in a complaint relating to Section 376 of the Indian Penal Code, 1860 is not fatal.

Considering the gravity of the offence and the involvement of the petitioner therein as transpiring from the materials in the case diary, 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) 3382 of 2022 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)