

23.08.2022
Serial no.32
Aloke

CRM (A) 4019 of 2022

In re : An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Tehatta Police Station Case No. 667 of 2022 dated 07.08.2022 under Sections 376/506 of the Indian Penal Code.

-And-

In the matter of : **Gora Chand Biswas**

... .. Petitioner

Mr. Kallol Mondal, Advocate
Mr. Amanul Islam, Advocate
Mr. Sourav Mukherjee, Advocate
Mr. Souvik Das, Advocate For the Petitioner

Mr. Pravash Bhattacharya, Advocate
Mr. Pratick Bose, Advocate
... ..For the State

Petitioner seeks anticipatory bail.

Learned Advocate appearing for the petitioners submits that the petitioner was a retired school teacher of 76 years of age. The petitioner was falsely implicated. He submits that there is a delay of 10 days in the lodgment of the first information report. Such delay was not explained.

Learned Advocate appearing for the State draws the attention to the materials in the case diary. He refers to the statement of the victim recorded under Section 164 of the Code of Criminal Procedure as also the statement recorded under Section 161 of the Code of Criminal Procedure of the mother of the victim and some of the neighbours.

Apparently, the victim is physically challenged. It is claimed that the victim is also mentally challenged.

There is a delay of 10 days in the lodgment of the first information report. FIR contains grounds explaining the delay, apparently.

The medical examination of the victim was undertaken 14 days after the incident.

In view of the materials in the case diary and in view of the statement of the victim recorded under Section 164 of the Code of Criminal Procedure, we are unable to grant anticipatory bail to the petitioner.

The prayer for anticipatory bail of the petitioner is rejected.

CRM (A) 4019 of 2022 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)