

09.11.2022

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Ct. No. 29

**KAUSHIK
REJECTED**

C.R.M.(A) 5097 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **English Bazar** Police Station Case No. **1434** of **2021** dated **20.10.2021** under Sections 363/325/308/376/511/379 of the Indian Penal Code, 1860 and adding Section 376D of the Indian Penal Code, 1860.

And

In Re : Nuhu Sk @ Md. Nuhu Ali

..... petitioner

Ms. Minoti Gomes

Mr. Imdadul Hoque

....for the petitioner

Ms. Anasuya Sinha

Mr. Pinak Kumar Mitra

....for the State

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner submits that, the petitioner was falsely implicated. She refers to the police complaint lodged by the de-facto complainant. She submits that, the de-facto complainant identified another person as the assailant and the violator.

Learned advocate appearing for the State draws the attention of the Court to the statement of the de-facto complainant recorded under Section 164 of the Code of Criminal Procedure (Cr.P.C.) and to the injury reports.

The 164 Cr.P.C. statement of the de-facto complainant implicates the petitioner along with other persons in the gang

rape. The injury reports of the de-facto complainant, apparently, corroborates her statement.

In such circumstances, 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) 5097 of 2022 is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)