

23.11.2022

13

Ct. No. 29

**KAUSHIK
REJECTED**

C.R.M.(A) 5355 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Santipur** Police Station Case No. **937** of **2022** dated **08.09.2022** under Sections 376/506 of the Indian Penal Code, 1860.

And

In Re : Rakesh Kumar Das

..... petitioner

Ms. Sananda Bhattacharya

....for the petitioner

Mr. S. S. Imam

Mr. Arabinda Manna

....for the State

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner submits that, the petitioner was falsely implicated. The police complaint was filed 7 to 8 months after the incident. The de-facto complainant is a married lady and went with her husband to Pune subsequent to the alleged incident.

Learned advocate appearing for the State draws the attention of the Court to the materials in the case diary including the statement of the victim recorded under Section 164 of the Code of Criminal Procedure (Cr.P.C.). He refers to the call details recording between the petitioner and the de-facto complainant.

The 164 Cr.P.C. statement of the de-facto complainant implicates the petitioner. Apparently, the petitioner is an influential person. It appears from the call details recording

between the petitioner and the de-facto complainant that the petitioner was in touch with the de-facto complainant. There are materials in the case diary explaining the delay in lodgment of the FIR.

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) 5355 of 2022 is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)