

30.11.2022

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Ct. No. 29

**KAUSHIK
REJECTED**

C.R.M.(A) 5538 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Karimpur** Police Station Case No. **294** of **2022** dated **18.11.2022** under Sections 448/376/511/506 of the Indian Penal Code, 1860.

And

In Re : Nirnay Roy

..... petitioner

Ms. Minoti Gomes

Mr. Amanul Islam

Mr. Sourav Mukherjee

....for the petitioner

Mr. Prasun Kumar Dutta

Mr. Nirupam Dhali

....for the State

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner highlights the delay in the lodgment of the First Information Report from the date of the incident. She submits that the de-facto complainant is a married lady.

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 161 Cr.P.C. statement of the daughter of the de-facto complainant thereof.

The 164 Cr.P.C. statement of the de-facto complainant and the 161 Cr.P.C. statement of the daughter of the de-facto complainant corroborates each other with regard to the

incident. The petitioner attempted to rape to the de-facto complainant.

In such circumstances, considering the gravity of the offence and the involvement of the petitioner therein, 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) 5538 of 2022 is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)