

02.12.2022

17

Ct. No. 29

**KAUSHIK
REJECTED**

C.R.M.(A) 5613 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Murutia** Police Station Case No. **08** of **2022** dated **10.01.2022** under Sections 498A/376/506/34 of the Indian Penal Code, 1860.

And

In Re : Safikul Sekh

..... petitioner

Mr. Asraf Mondal

....for the petitioner

Mr. Bidyut Kumar Roy

Ms. Rita Dutta

....for the State

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner submits that, the husband was enlarged on bail by the Jurisdictional Court. The police filed charge-sheet and, therefore, custodial interrogation of the petitioner is not required.

Learned advocate appearing for the State draws the attention of the Court to the materials in the case diary including the statement of the de-facto complainant recorded under Section 164 of the Code of Criminal Procedure (Cr.P.C.) as well as the pregnancy report.

Apparently, the de-facto complainant is pregnant. In her 164 Cr.P.C. statement, she implicates the petitioner in the offence of rape.

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) 5613 of 2022 is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)