

10.01.2023
Serial no. 28
[Dd]
(Anticipatory bail)
(Rejected)

CRM (A) 88 of 2023

In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Ranitala** Police Station Case No. **556** of **2022** dated **19.12.2022** under Sections **376/417** of the Indian Penal Code.

-And-

In the matter of : **Abu Sufian Khan @ Masum Hoque**
... ..Petitioner

Mr. Ali Ahsan Alamgir,
Ms. Soma Mal,
Ms. Rabia Khatun, Advocates
... .. For the Petitioner
Mr. Bidyut Kr. Roy,
Ms. Rita Dutta, Advocate
... ..For the State

The victim in her statement recorded under Section 164 of the Criminal Procedure Code claims that there was a physical relationship of about 5 years with the petitioner. She claims that she was forced to undergo abortion at the behest of the petitioner and his brother. The medical examination report of the victim tends to corroborate the claim of abortion.

Considering the age declaration by the victim in her statement recorded under Section 164 of the Criminal Procedure Code, the timeframe of the abortion and her conceiving takes one back to a time where the victim can be said to be a minor, we are unable to grant anticipatory bail to the petitioner.

Prayer for anticipatory bail of the petitioner is **rejected**.

CRM (A) 88 of 2023 is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)

