

17.01.2023

Serial no. 19

[Dd]

(Anticipatory bail)

(Rejected)

CRM (A) 191 of 2023

In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Tehatta** Police Station Case No. **1040** of **2022** dated **21.11.2022** under Sections **448/376 /511 /323 /325 /307 /354 / 379/506/34** of the Indian Penal Code.

-And-

In the matter of : **Kamal Uddin Molla @ Kamaluddin Molla**
... ..**Petitioner**

Mr. Priyankar Ganguly,
Ms. Simontini Bhadra Advocate
... .. For the Petitioner

Md. Anwar Hossain,
Ms. Sreyashee Biswas, Advocates
... ...For the State

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner submits that there was a previous police complaint lodged by the de facto complainant on August 19, 2022 when the petitioner was enlarged on anticipatory bail. He submits that all other co-accused in the police case was granted bail by the jurisdictional Court.

Learned advocate appearing for the State draws the attention of the Court to the materials in the case diary. He submits that, two persons suffered injuries. He refers to the injury reports. He refers to the statement of the victim recorded under Section 164 of the criminal Procedure code.

In the statement recorded under Section 164 of the Criminal Procedure Code, the victim claims rape as well as assault by the petitioner.

The injury report of the victim corroborates the assault on her by the petitioner. Her statement under Section 164 of the Criminal Procedure Code where, her relatives were also assaulted by the petitioner, stands corroborated by the injury reports of her relatives.

Apparently, after the petitioner was granted anticipatory bail, the petitioner entered into the house of the de facto complainant and assaulted her as well as her relatives.

The petitioner is on anticipatory bail granted by this Court on September 5, 2022 passed in CRM (A) 4203 of 2022.

Prima facie, it appears that the petitioner is guilty of post bail misconduct and violations of the conditions under Section 438(2) of the Criminal Procedure Code, 1973. In such circumstances, we issue Rule upon the petitioner as to why the order dated September 5, 2022 passed in CRM (A) 4203 of 2022 be not cancelled. Such rule is made returnable on January 31, 2023.

So far as the present petitioner is concerned, the materials in the case dairy emphasizes the need for custodial interrogation of the petitioner forthwith.

In such circumstances, we are unable to grant anticipatory bail to the petitioner.

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

CRM (A) 191 of 2023 is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)