

01.02.2023
Serial no. 21
[Dd]
(Anticipatory bail)
(**Rejected**)

CRM (A) 400 of 2023

In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Bamangola** Police Station Case No. **242** of **2022** dated **08.10.2022** under Sections **448/354/376/109/34** of the Indian Penal Code corresponding to G.R. case NO. 6278 of 2022.

-And-

In the matter of : **Shyamal Barman**

... ..**Petitioner**

Mr. Kazi M. Rahman, Advocate
... .. For the Petitioner

Md. Anwar Hossain,
Mr. Asoke Das, Advocates
... ...For the State

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner submits that the main accused was granted bail by the coordinate Bench on December 12, 2022 passed in CRM (DB) 4358 of 2022. He submits that there was a delay of about 7 months in lodging the first information report. No incriminating photograph was seized from the possession of either the main accused or from the petitioner. The petitioner was falsely implicated. The main accused and the victim were having a relationship. The victim was married to a different person.

Learned advocate appearing for the State draws the attention of the Court to the statement of the victim recorded under Section 164 of the Criminal Procedure Code. He submits that the mobile phone of the petitioner could not be seized.

The victim in her statement recorded under Section 164 of the Criminal Procedure Code implicates the petitioner in the incident of rape and taking obscene photograph of her.

The co-accused was granted bail by the co-ordinate Bench, inter alia, on the consideration of the period of detention suffered by such co-accused.

Enlarging the petitioner herein on anticipatory bail may be inimical to the appropriate investigations of the police case.

Therefore, we are unable to grant anticipatory bail to the petitioner.

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

CRM (A) 400 of 2023 is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)