

February 06, 2023
(44) ARDR
Rejected

CRM (A) 513 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Gazole** Police Station Case No. **969 of 2022** dated **30/12/2022** under Section **376** of the Indian Penal Code.

And

In the matter of: **Palash Biswas,**

....petitioner.

Adv. Kalidas Saha,

...for the petitioner.

Adv. Sudip Kumar,

...for the State.

The petitioner prays for anticipatory bail.

Learned counsel appearing on behalf of the petitioner submits that the petitioner and the victim are adults. There was a relationship between them. The police complaint is a result of such relationship coming to the knowledge of the family members of the victim.

Learned counsel appearing on behalf of the State draws the attention of the Court to the materials in the case diary including the statement of the victim recorded under Section 164 of the Code of Criminal Procedure and the statement recorded under Section 161 of the Code of Criminal Procedure of neighbours.

The victim in her statement recorded under Section 164 of the Code of Criminal Procedure implicates the petitioner in raping her.

The petitioner's statements recorded under Section 161 of the Code of Criminal Procedure corroborate the claim

of the victim as recorded in her statement under Section 164 of the Code of Criminal Procedure.

In such circumstances, considering the gravity of the offence and involvement of the petitioner thereto, we are unable to grant anticipatory bail to the petitioner.

C.R.M. (A) 513 of 2023 is rejected.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)