

08.02.2023

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Ct. No. 29

**KAUSHIK
REJECTED**

C.R.M.(A) 563 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Ratua** Police Station Case No. **15** of **2020** dated **01.01.2020** under Sections 448/376/506 of the Indian Penal Code.

And

In Re : Tajibur Rahaman @ Tojibur Rahaman @ Fitu

..... petitioner

Mr. Kalidas Saha

....for the petitioners

Mr. Imran Ali

Ms. Debjani Sahu

....for the State

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner submits that, the petitioner and the victim were in a amorous relationship. Both are adults. The police complaint was lodged 134 days after the incident.

Learned advocate appearing for 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 (Cr.P.C.) and 161 Cr.P.C. statement of neighbours thereof.

The victim in her 164 Cr.P.C. statement claims that, she was raped by the petitioner. She raised a hue and cry.

There are 161 Cr.P.C. statement of the neighbours, who claimed that they responded to the hue and cry raised by the petitioner.

Considering the materials in the case diary, the gravity of the offence and the involvement of the petitioner therein, 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) 563 of 2023 is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)