

17.02.2023
Serial no. 05
[Dd]
(Anticipatory bail)
(**Rejected**)

CRM (A) 682 of 2023

In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Jagacha** Police Station Case No. **257** of **2021** dated **17.09.2021** under Sections **448/323/325/376D/506/34** of the Indian Penal Code.

-And-

In the matter of : **Kamal Ganguly @ Kamal Babu**
... ..**Petitioner**

Mr. Soumya Basu Roy Chowdhuri, Advocate
... .. For the Petitioner

Mr. Ranabir Roy Chowdhury,
Mr. Mainak Gupta, Advocates
... ..For the State

The police case is dated September 17, 2021.

The warrant of arrest was issued as against the petitioner. Petitioner filed a revisional application where, there is a stay of execution of the warrant of proclamation and attachment issued as against the petitioner by the order dated September 21, 2022.

Earlier application for anticipatory bail was withdrawn at the behest of the petitioner with a liberty to file afresh on November 14, 2022.

There is a statement recorded under Section 164 of the Criminal Procedure Code of the de facto complainant implicating four persons in assault, penetrative sexual assault and sexual assault.

Medical examination report of the de facto complainant corroborates at least assault.

Therefore, an incident took place and whether the extent of the incident as claimed by the de facto complainant or not is a matter for investigation.

There is a history of long absconsion of the petitioner also.

It is contended on behalf of the petitioner that he was falsely implicated as, there is a loan transaction between the petitioner and the de facto complainant. In support of such contention, a document is sought to be relied upon.

The document was not produced before the Investigating Officer.

Petitioner did not participate in the investigations at all.

The claim of the de facto complainant is on the contrary that there is a loan which the petitioner took from her deceased husband.

Therefore, in the conspectus of the materials available in the case diary, we are unable to grant anticipatory bail to the petitioner.

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

CRM (A) 682 of 2023 is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)