

17.02.2023

Sl.18

Court No.29

(AD)

(Rejected)

C.R.M. (A) 732 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Andal** Police Station Case No.1 of 2023 dated **02.01.2023** under Sections **341/323/325/376/506/34** of the Indian Penal Code.

And

In the matter of: **Subham Kumar Nonia & Ors.**

....petitioners.

Mr. Chittapriya Ghosh

...for the petitioners.

Md. Anwar Hossain

Ms. Ratna Ghosh

...for the State.

Petitioners pray for anticipatory bail.

Learned Advocate appearing for the petitioners submits that the petitioners were falsely implicated. He highlights the delay in the lodgment of the First Information Report. He submits that the victim was found in a compromised position with another person and, therefore, the petitioners were falsely implicated.

There is a delay in lodgment of the First Information Report.

However, the delay *per se* is not fatal.

The victim in her statement recorded under Section 164 of the Code of Criminal Procedure implicates all the petitioners herein.

The victim made the same statement before the doctor who examined her as recorded in the statement under Section 164 of the Code of Criminal Procedure.

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

Accordingly, the prayer for anticipatory bail of the petitioners is rejected.

C.R.M. (A) 732 of 2023 is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)

