

24.02.2023

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Ct. No. 29

**KAUSHIK
REJECTED**

C.R.M.(A) 830 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Haripal** Police Station Case No. **276** of **2022** dated **02.10.2022** under Sections 341/354B/376D/506/34 of the Indian Penal code, 1860.

And

In Re : Joydeb Koley

..... petitioner

Mr. Arunava Ganguly

....for the petitioner

Mr. Saibal Bapuli

Mr. Soumik Ganguly

....for the State

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner submits that, police filed charge-sheet, inter alia, under Sections 341/354B/506 of the Indian Penal Code, 1860 as against the petitioner after conducting an investigation, inter alia, under Sections 341/354B/376D/506/34 of the Indian Penal Code, 1860.

Learned advocate appearing for the State draws the attention of the Court to the statement of the victim recorded under Section 164 of the Code of Criminal Procedure as also the injury report of the victim.

Learned advocate appearing for the petitioner submits that, the police complaint was lodged 31 days after the alleged incident.

Delay, per se, is not fatal to the case of the prosecution.

The victim was examined where, she claimed that she was physically assaulted and violated. The petitioner was named by the victim as one of the persons involved in the incident.

The 164 Cr.P.C. statement of the victim implicates the petitioner.

The charge-sheet is, inter alia, under Section 354B of the Indian Penal Code, 1860 as against the petitioner.

In such circumstances, considering 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) 830 of 2023 is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)