

01.03.2023

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Ct. No. 29

**KAUSHIK
REJECTED**

C.R.M.(A) 891 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Murshidabad** Police Station Case No. **125** of **2023** dated **17.02.2023** under Sections 376/417 of the Indian Penal Code, 1860.

And

In Re : Babin Kumar Pattanaik

..... petitioner

Mr. Arnab Chatterjee

Mr. Jishan Iqbal Hossain

....for the petitioner

Mr. Ali Ahsan Alamgir

Ms. Soma Mal

Ms. Rabia Khatoon

....for the de-facto complainant

Mr. Bidyut Kumar Roy

Ms. Rita Dutta

....for the State

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner submits that, the petitioner and the de-facto complainant are adults. The petitioner was in consensual relationship. The present police complaint is a result of the relationship turning sour.

Learned advocate appearing for the State draws the attention of the Court to the materials in the case diary including the statement of the de-facto complainant recorded under Section 164 of the Code of Criminal Procedure (Cr.P.C.).

Learned advocate appearing for the de-facto complainant submits that, the petitioner took advantage of the claim that the petitioner was divorced. The petitioner entered into a physical relationship with the de-facto complainant on false promises.

There is past instance of the petitioner where the petitioner indulged in similar incidents.

The 164 Cr.P.C. statement of the de-facto complainant claims that, the relationship was entered into on the basis of promises, which ultimately turned out to be false.

There are 161 Cr.P.C. statements of the independent persons, who claimed that the petitioner took advantage of them, on the same pretexts and promises.

In view of the materials in the case diary, the complicity of the petitioner in the incident and the gravity of the offence, 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) 891 of 2023 is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)