

17.03.2023

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Ct. No. 29

**KAUSHIK
REJECTED**

C.R.M.(A) 1106 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **New Market** Police Station Case (FIR) No. **42** of **2023** dated **23.02.2023** under Sections 354/509/506 of the Indian Penal Code, 1860.

And

In Re : Thakur Singh

..... petitioner

Mr. Dhananjoy Banerjee

Mr. Tanmoy Khan

....for the petitioner

Mr. Rudradipta Nandy

Mr. Subroto Roy

....for the State

Apparently, there are matrimonial disputes between the de-facto complainant and her husband.

The de-facto complainant in her statement recorded under Section 164 of the Code of Criminal Procedure claims that, due to such matrimonial dispute and due to the fact that her husband is a lawyer, various false cases were initiated against the de-facto complainant and her paternal family members. One of such case was lodged by the petitioner before us in the Consumer Forum. On that particular date, when she attended the Consumer Forum, she was coming down the stairs when the petitioner accosted her and outraged her modesty including tearing her wearing apparels.

The claim of the de-facto complainant as recorded under Section 164 of the Cr.P.C. to the incident of outraging of modesty is corroborated by the 161 Cr.P.C. statements of the independent witnesses.

We are, therefore, of the view that prima facie case requiring investigations stands made out on the basis of the materials presently available in the case diary.

Consequently, 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) 1106 of 2023 is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)