

22.03.2023

Serial no. 27

[Dd]

(Anticipatory bail)

(Rejected)

CRM (A) 1177 of 2023

In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Chanchal** Police Station Case No. **1301** of **2022** dated **02.11.2022** under Sections **498A/323/325/376/511/308/34** of IPC (G.R. no. 3033 of 2022).

-And-

In the matter of : **Sadek Ali @ Sadikul Islam**

... ..Petitioner

Ms. Minoti Gomes,
Mr. Musharraf Alam Sk.
Ms. Susmita Ghorai, Advocates
... .. For the Petitioner

Mr. Sujoy Sarkar,
Mr. Rahul Chachan, Advocate
... ...For the De facto complainant

Mr. Saswata Gopal Mukherji, Id. PP
Mr. Imran Ali,
Ms. Debjani Sahu, Advocates
.. ...For the State

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner submits that the first information report was lodged 19 days after the incident. The petitioner was falsely implicated.

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

Learned advocate for the de facto complainant submits that the petitioner is guilty of the offences alleged.

The statement of the victim recorded under Section 164 of the Criminal Procedure Code implicates the petitioner in an incident of rape. Her statement apparently stands corroborated by the medical examination report.

Considering the gravity of the offence and the involvement of the petitioner in the incident as transpiring from the materials 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) 1177 of 2023 is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)