

31.03.2023

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Ct. No. 29

**KAUSHIK
REJECTED**

C.R.M.(A) 1372 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **English Bazar Women** Police Station Case No. **35** of **2023** dated **23.02.2023** under Sections 448/417/376/506/34 of the Indian Penal Code.

And

In Re : Sk Saheb

..... petitioner

Mr. Kalidas Saha

....for the petitioner

Mr. Pravas Bhattacharya

Mr. M.F.A. Begg

....for the State

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner submits that, there was a love relationship between the petitioner and the de-facto complainant. It is on refusal of the petitioner to marry that the police complaint was lodged. There is a delay, which is unexplained in the First Information Report.

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

The victim in her 164 Cr.P.C. statement acknowledges that, there was a relationship between her and the petitioner. She states that, the petitioner wanted to establish a physical relationship on promise of marriage, which she refused. She refused to indulge in any physical relationship before marriage. On a particular date at a given time, petitioner entered the

house of the victim and raped her. On her raising a hue and cry, the relatives and neighbours intervened. Proposal for marriage was given by the relatives of the victim to the petitioner. Thereafter, the victim lodged the police complaint.

Subsequent to the lodgment of the police complaint, the victim was medically examined where, the doctor examining the victim opined that possibility of sexual violence cannot be ruled out.

Investigations are yet to be concluded.

Therefore, in the conspectus of the facts noted above and the complicity of the petitioner in the incident, 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) 1372 of 2023 is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)