

04.04.2023

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Ct. No. 29

CHC

Rejected

C.R.M.(A) 1409 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Baguihati** Police Station Case No. **142** of **2023** dated **18.03.2023** under Sections **417/376/406/506** of the Indian Penal Code, 1860.

And

In the matter of : Gopal Sardar

..... petitioner

Mr. Sabir Ahmed,
Mr. Shraman Sarkar

....for the petitioner

Mr. Pravas Bhattacharya,
Mr. M.F.A. Begg

....for the State

A police constable is before Court seeking anticipatory bail.

It is contended on behalf of the petitioner that the de facto complainant and the petitioner were in a relationship and that the police complaint was lodged falsely implicating the petitioner upon the relationship turning sour. Both the petitioner and the de facto complainant being adults, they knew of the consequences of the relationship.

Learned advocate appearing for the State draws attention of the Court to the materials in the case diary including statement of the victim recorded under Section 164 of the

Criminal Procedure Code and the medical examination report of the victim.

In her statement recorded under Section 164 of the Criminal Procedure Code, victim stated that she was in a relationship with the petitioner for about a year. The petitioner used to take advantage of her. Petitioner used to administer drugs whereupon, the victim used to fall unconscious. Offensive photographs of the victim were taken by the petitioner.

Before the doctor examining her, she claimed that, the petitioner used to administer cigarette burns on her private parts.

The medical examination report depicts scar injuries on the private parts of the de facto complainant.

Considering the gravity of the offence and involvement of the petitioner in the offences alleged, we are unable to grant anticipatory bail to the petitioner.

CRM (A) 1409 of 2023 is rejected.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)