

17.04.2023

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Ct. No. 29

CHC

Rejected

C.R.M.(A) 1545 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Domkal** Police Station Case No. **178** of **2023** dated **17.03.2023** under Sections **376(2)(1)/506** of the Indian Penal Code.

And

In the matter of : Eksad @ Ekchhad Mondal

..... petitioner

Mr. Raju Mondal

....for the petitioner

Mr. Prasun Kumar Datta, Ld. A.P.P.,

Mr. Nirupam Dhali

....for the State

Mr. Susnigdho Bhattacharyya

...for the de facto complainant

Learned advocate appearing for the de facto complainant draws attention of the Court to the fact that petitioner filed an application for anticipatory bail which is fixed for hearing on April 18, 2023. He relies upon status report downloaded from the E-courts.

It appears from such E-courts report that petitioner filed an application for anticipatory bail on March 21, 2023, which is fixed for hearing on April 18, 2023.

Present petition was affirmed by the petitioner on April 4, 2023 and filed on April 10, 2023.

In the present application, the petitioner in the first paragraph claimed that this is the first application for anticipatory bail and no such application was pending in any Court.

E-court report suggest otherwise. There was a previous application for anticipatory bail filed by the petitioner before learned Sessions Judge being Registration No.1445/2023, CNR Number WBMD01-002360-2023.

The victim was found mentally unstable by the learned Judicial Magistrate before whom the victim was produced for the purpose of recording her statement under Section 164 of the Criminal Procedure Code and was unable to record her statement under Section 164 of the Criminal Procedure Code as transpiring from the materials in the case diary.

The victim is pregnant.

Petitioner stands implicated in the incident of rape.

In such circumstances, considering the involvement of the petitioner in the incident and the materials in the case diary, we are unable to grant anticipatory bail to the petitioner.

CRM (A) 1545 of 2023 is rejected.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)

