

21.04.2023

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Ct. No. 29

**KAUSHIK
REJECTED**

C.R.M.(A) 1693 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Jadavpur** Police Station Case No. **188** of **2022** dated **19.09.2022** under Sections 498A/354/406/120B of the Indian Penal Code and adding Sections 376/313 of the Indian Penal Code read with Sections 3/ 4 of the Dowry Prohibition Act.

And

In Re : Sk Gaffar @ Gofar Khan

..... petitioner

Mr. Soumik Ganguly

....for the petitioner

Mr. Jitesh Sah

Mr. Ranjeet Prasad

....for the de-facto complainant

Mr. Sudip Kumar

....for the State

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner submits that, the petitioner was falsely implicated. He refers to the contents of the First Information Report (FIR). He submits that, there was a house warming party where the incident is alleged to occur. He refers to the date of the incident and submits that, there is atleast six months delay in the lodgment of the FIR.

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

De-facto complainant is represented.

The investigations are yet to be concluded.

Mere delay in the lodgment of the FIR is not fatal to the case of the prosecution.

The 164 Cr.P.C. statement of the victim, at this stage, should not be overlooked. There she implicates the petitioner of rape.

In such circumstances, 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) 1693 of 2023 is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)