

28.04.2023

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Ct. No. 29

CHC

Rejected

C.R.M.(A) 1791 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Gazole** Police Station Case No. **270** of **2023** dated **13.04.2023** corresponding to GR Case No. 2218 of 2023 under Sections **448/376/506** of the Indian Penal Code.

And

In the matter of : Rofikul Haque

..... petitioner

Mr. Kazi Mokhlasur Rahman

....for the petitioner

Mr. Debabrata Chatterjee, Ld. A.P.P.

Mr. Santanu Chatterjee

....for the State

Mr. Bibaswan Bhattacharya,

Ms. Bindia Paul

....for the de facto complainant

Petitioner, State and de facto complainant are represented.

The victim in her statement recorded under Section 164 of the Criminal Procedure Code implicates the petitioner of raping her. Victim underwent a medical examination report where possibility of sexual intercourse has not ruled out.

Neighbours recorded statements under Section 161 of the Criminal Procedure Code stating that there were hue and cry from the house of the victim.

Claim of the victim as made in her statement under Section 164 of the Criminal Procedure Code stands corroborated by the statements of neighbours recorded under Section 161 of the Criminal Procedure Code.

In such circumstances, considering the gravity of the offence and involvement of the petitioner therein, we are unable to grant anticipatory bail to the petitioner.

CRM (A) 1791 of 2023 is rejected.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)