

01.05.2023

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Ct. No. 29

**KAUSHIK
REJECTED**

C.R.M.(A) 1837 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Chanchal** Police Station Case No. **308** of **2023** dated **17.03.2023** under Sections 354D/509/448/354C/376/506 of the Indian Penal Code.

And

In Re : Nabab Ali @ Kanun

..... petitioner

Mr. Sabyasachi Chatterjee

Mr. Omar Faruk Gazi

Mr. Dipankar Das

....for the petitioner

Mr. Swapan Banerjee

Ms. Purnima Ghosh

....for the State

There is a certificate under Section 65B of the Indian Evidence Act, 1872 suggesting that the petitioner took offensive photograph of the victim and sent the same to her husband.

The victim recorded her statement under Section 164 of the Code of Criminal Procedure (Cr.P.C.) implicating the petitioner in the rape and outraging her modesty, amongst others.

The claims made by the victim in her 164 Cr.P.C. statement, apparently, are corroborated by the materials in the case diary, presently available.

In such circumstances, considering the gravity of the offence and the involvement 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) 1837 of 2023 is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)