

**21.06.2023**  
Sl. 174  
Court No. 29  
Sourav  
(Rejected)

**C.R.M. (A) 2176 of 2023**

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Raghunathganj** Police Station Case No. **595** of **2021** dated **18.09.2021** under Sections **363/365/34** IPC (G.R. Case No. 1841 of 2021).

And

In the matter of: **Totan Sk. Rejaul Mostafa & Anr.**

....petitioners.

Mr. U.A. Dewan

Mr. A. Dewan

...for the petitioners.

Mr. Arijit Ganguly

Mr. Avik Ghatak

... for the State.

1. Heard learned Counsel for the parties.
2. Though the occurrence has happened since 2021, the victim girl has not yet been recovered. Juel Sk. who is the co-accused has also admitted that both the petitioner had taken the victim in a car and the victim boarded the car out of her own volition as she had love affair with petitioner no. 1.
3. Regard being had to aforesaid facts and specially the factum of non-recovery of the victim since more than 2 years, we feel that custodial interrogation of the petitioner is necessary in the present case.
4. In view of such, we are not inclined to exercise our discretion under Section 438 Cr.P.C. in favour of the petitioner at this stage.
5. Accordingly, the prayer for the anticipatory bail is rejected.
6. The application being **CRM (A) 2176 of 2023** is dismissed.

**(Chitta Ranjan Dash, J.)**

**(Partha Sarathi Sen, J.)**

