

19.06.2023
Sl. 174
Court No.29
sdas
(Rejected)

C.R.M. (A) 2286 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure arising out of Jamuria P. S. Case No. 176 of 2023 dated 21.04.2023 under Sections 376/506 of the Indian Penal Code and Sections 4/6 of POCSO Act.

And

In the matter of: **Ashok Thakur**

....petitioner

Ms. Minoti Gomes
Mr. Kuntal Banerjee

...for the petitioner.

Mr. N. P. Agarwala
Mr. Pratick Bose

...for the State.

1. Heard the learned Counsel for the parties.
2. From the statement of the victim recorded under Sections 161 and 164 of the Code of Criminal Procedure, we find that there is allegation that the present petitioner dragged her towards a jungle when she was going to the house of her relative and committed rape on her
3. Though learned Counsel for the petitioner tried to make a case of previous love affair and doctrine of self-preservation, we do not find any such material in the police papers at the stage.
4. Accordingly, taking into consideration gravity of the offence, quantum of punishment prescribed for the offence, we are not inclined to exercise our discretion in favour of the petitioner under Section 438 of the Code of Criminal Procedure at this stage.
5. Accordingly, the prayer for anticipatory bail is rejected.

6. CRM (A) 2286 of 2023 is dismissed.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)