

04.07.2023

Sl. 41

Court No. 29

Sourav

(Rejected)

C.R.M. (A) 2353 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Nandigram** Police Station Case No. **361** of **2017** dated **27.09.2017** under Sections **363/366** IPC added with Sections **368/ 370/ 372/ 373/ 379/ 376** IPC and Section **6** of the POCSO Act.

And

In the matter of: **Asim Kumar Mallick @ Raju**

....petitioner.

Mr. Amal Krishna Samanta

Mr. Arun Kumar Das

...for the petitioner.

Mr. Ranabir Roy Chowdhury

Mr. Mainak Gupta

...for the State.

1. Heard learned Counsel for the parties.
2. There being direct allegation of rape of the victim by the present petitioner in the statement of the victim recorded under Section 164 Cr.P.C, we are not inclined to exercise our discretion under Section 438 Cr.P.C. in favour of the petitioner at this stage, though charge-sheet is stated to be submitted in the meantime and specially, for the fact that the petitioner remained absconding for about six years.
3. Accordingly, the prayer for the anticipatory bail is rejected.
4. The application being **CRM (A) 2353 of 2023** is dismissed.

(Chitta Ranjan Dash, J.)

(Apurba Sinha Ray, J.)

