

19.07.2023

ML. 142
Court No. 29
Suvayan
(Rejected)

C.R.M. (A) 2540 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Islampur** P.S. Case No. **219 of 2023** dated **03.06.2023** under Sections **363/365/376** of the IPC and Section **4** of the POCSO Act.

And

In the matter of: **Rajesh Sk @ Samim Aktar**

....petitioner.

Mr. Tapodip Gupta

...for the petitioner.

Mr. Swapan Banerjee

Ms. Purnima Ghosh

...for the State.

1. Heard learned Counsel for both the parties.
2. Though in her statement recorded under Section 161 Cr.P.C. the victim is admitted to have love affairs with the petitioner since one year, it is alleged by her that on the date of occurrence the petitioner took her to an abandoned place and committed rape. In her statement under Section 164 Cr.P.C. the victim has stated that the petitioner ravished her three times successively and she lost her sense.
3. Though, we should have addressed the reformatory theory from the very outset as the petitioner is a boy aged about 20 years old, we desist from that in as much as the petitioner has exploited the trust of the victim in a pious relationship.
4. Regard being had to the seriousness of allegation, we are not inclined to exercise our discretion in favour of the petitioner under Section 438 Cr.P.C.
5. Accordingly, the prayer for the anticipatory bail is rejected.
6. The application being **CRM (A) 2540 of 2023** is dismissed.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

