

20.07.2023
(D/L 26)
Ct. No.29
Rejected
(SKB)

CRM (A) 2592 of 2023

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Swarupnagar P.S. Case No.435 of 2018 dated 23.08.2018 under Sections 363/365 of the Indian Penal Code adding Sections 325/326/307/364A/120B of the IPC.

In the matter of : Tuhinur Rahaman Sardar

... Petitioner

Mr. Soumajit Das Mahapatra,
Mr. Ali Ahsan Alamgir,
Ms. Soma Mal,
Ms. June Modak

... for the petitioner

Mr. Joydeep Roy,
Ms. Amanul Islam

... for the State

1. Heard the learned Counsel for the parties.
2. Considered the materials placed by them including the statement of the victim recorded under Section 164 Cr.P.C., the statements of the witnesses recorded under Section 161 Cr.P.C. and injury report in respect of the victim which corroborate the statement of the victim recorded under Section 164 Cr.P.C. in material particular. Though charge-sheet has already been filed and the case may be a good case for grant of relief under Section 439 Cr.P.C. on the ground of parity, we are not inclined to exercise our discretion under Section 438

Cr.P.C. especially in view of the seriousness of the allegation.

3. Accordingly, the prayer for anticipatory bail is considered and rejected.
4. The application being CRM(A) 2592 of 2023 is dismissed.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)