

02.08.2023
SL. 19
Court No. 29
Sourav
(Rejected)

C.R.M. (A) 2600 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Saktipur** Police Station Case No. **43** of **2023** dated **18.03.2023** under Sections **354C/376D/379** IPC.

And

In the matter of: **Rentu Sk @ Badsha Sk**

....petitioner.

Md. Sabir Ahmed
Mr. Abdul Aziz Mondal

...for the petitioner.

Mr. Abhra Mukherjee
Mr. Dipankar Mahata

... for the State.

1. Heard learned Counsel for the parties.
2. The anticipatory bail is sought for by the petitioner on the ground that the occurrence happened on 10.08.2022 at Dum Dum in daytime. From Annexure 'B' to the present petition, it is found that the victim being present before the Registrar of Mohammedan marriage has given talaq to her husband on 10.08.2022 at Berhampore.
3. It is argued by learned Counsel for the petitioner that the distance from Berhampore to Dum Dum being about 250 Kms. one person cannot be expected to be present in both the location at the same time. Be that as it may, these are questions of evidence which can be gone into only at the time of trial. Whether the victim was present in-person before the Mohammedan Registrar at Berhampore is a question of fact which cannot be proved *per se* by Annexure 'B' to the present petition.
4. On this ground alone, the veracity of the FIR cannot be

thrown overboard, especially when the allegation is serious.

5. Regard being had to the aforesaid facts and especially the seriousness of the offence, we are not inclined to exercise our discretion in favour of the petitioner under Section 438 Cr.P.C.
6. Accordingly, the prayer for the anticipatory bail is rejected.
7. The application being **CRM (A) 2600 of 2023** is dismissed.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

