

23.08.2023
ML. 352
Court No. 29
Suvayan
(Rejected)

C.R.M. (A) 3157 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Bagdah** Police Station Case No. **485 of 2023** dated **15.07.2023** under Sections **354C/376** of the IPC.

And

In the matter of: **Arka Das**

....petitioner.

Mr. Shibaji Kumar Das
Ms. Rupsa Sreemani

...for the petitioner.

Mr. Abhra Mukherjee
Mr. Dipankar Mahata

...for the State.

1. Heard learned Counsel for both the parties.
2. Considered the materials placed before us including the FIR lodged by the victim informant and her statement recorded under Section 164 Cr.P.C.
3. Learned Counsel for the petitioner is very much insistent on his submission that both the petitioner and victim had relationship and the petitioner had taken some private photographs of the victim. It is further submitted by him that in spite of such previous conduct of the petitioner, the petitioner alone having been invited to the birthday of the victim alone, the allegation *per se* is false and motivated especially when the petitioner is a football player and the victim is a referee.
4. We do not find any substance in such submission inasmuch as there is nothing on record to show that the previous relationship of the petitioner and the victim was sex based or romantic relationship. There is also no allegation to the effect that any obscene photograph of the victim was taken by the petitioner. Allegation is to the effect that some private photographs of the victim was taken. In spite of such fact,

the victim might have invited the petitioner alone to her house on her birthday because of the fact that she had some faith on him (petitioner).

5. We do not find any oblique motive on the part of the victim to falsely implicate the petitioner. In view of the gravity of the offence and seriousness of the charge, 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.
5. The application being **CRM (A) 3157 of 2023** is dismissed.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

