

24.08.2023
(M/L 402)
Ct. No.29
Rejected
(SKB)

CRM (A) 3216 of 2023

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Raghunathganj P.S. Case No.510 of 2023 dated 16.06.2023 under Sections 448/376 of the Indian Penal Code.

In the matter of : Fulchand Mondal

... Petitioner

Mr. Tapodip Gupta

... for the petitioner

Mr. Saibal Bapuli, Id. APP

Mr. Sujan Chatterjee,

Mr. Arani Bhattacharyya

... for the State

1. Heard the learned Counsel for the parties.
2. Considered the materials placed before us including the statement of the victim recorded under Section 164 Cr.P.C.
3. The allegation is resisted by the petitioner on the ground that civil dispute is pending between the parties being relatives and there is delay of one month in lodging the FIR. There is no material to sustain the submission regarding pendency of the civil dispute and, as such, in a case of delicate relationship, one month delay in lodging the FIR is quite understood and that is a fact to be decided by the trial court only.
4. Regard being had to the seriousness of the charge and gravity of the offence, we are not inclined to exercise our

discretion under Section 438 Cr.P.C. in favour of the petitioner.

5. The prayer for anticipatory bail is rejected.
6. Accordingly, CRM(A) 3216 of 2023 is dismissed.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)