

28.08.2023
ML. 550
Court No. 29
Sourav
(Rejected)

C.R.M. (A) 3371 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Sagarpara** Police Station Case No. **130** of **2022** dated **25.06.2022** under Sections **341/376D/34** IPC.

And

In the matter of: **Piarul Sk**

Mr. Arnab Chatterjee

....petitioner.

Mr. Imran Ali

...for the petitioner.

Ms. Manisha Sharma

... for the State.

1. Heard learned Counsel for the parties.
2. It is submitted by the learned Counsel for the State that the victim is a mentally retarded person and she has been ravished by the present petitioner and another. There are three eyewitnesses to the transaction.
3. Regard being had to the gravity of the offence, seriousness of the charge and vulnerability of the victim, she being mentally retarded, we are not inclined to exercise our discretion under Section 438 Cr.P.C. in favour of the petitioner.
4. Accordingly, the prayer for anticipatory bail is rejected.
5. The application being **CRM (A) 3371 of 2023** is dismissed.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

