

29.08.2023

SL. 54
Court No. 29
Suvayan
(Rejected)

C.R.M. (A) 3431 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Ramnagar** Police Station Case No. **279 of 2023** dated **06.05.2023** under Sections **498A/323/376/34** of the IPC and Sections **3/4** of the D.P. Act.

And

In the matter of: **Amal Kumar Dan**

....petitioner.

Mr. Sk. Sahjahan Ali

...for the petitioners.

Mr. Provash Bhattacharya
Ms. Kum Kum Mitra

...for the State.

1. Heard learned Counsel for both the parties.
2. In the FIR as well as statement of the victim recorded under Section 164 Cr.P.C. there is clear allegation of commission of rape by the present petitioner, who is none other than the elder brother-in-law of the informant. The husband of the informant is stated to have died in the meantime.
3. Regard being had to the gravity of the charge and nature of allegation, we are not inclined to exercise our discretion in favour of the petitioner under Section 438 Cr.P.C.
4. Accordingly, the prayer for the anticipatory bail is rejected.
5. The application being CRM (A) 3431 of 2023 is dismissed.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

