

31.08.2023
SL. 43
Court No. 29
Suvayan
(Rejected)

C.R.M. (A) 3569 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Manikchak** Police Station Case No. **524 of 2023** dated **12.07.2023** under Sections **447/376/506** of the IPC.

And

In the matter of: **Md. Gousuddin @ Md. Giyasuddin**

....petitioner.

Mr. Kalidas Saha

...for the petitioner.

Mr. Bidyut Kr. Roy

Ms. Rita Datta

...for the State.

1. Heard learned Advocate for both the parties.
2. The prayer of the present petitioner for anticipatory bail is resisted by learned Counsel for the State stating that the allegation in the FIR find ample corroboration from the statement of the victim recorded under Section 164 Cr.P.C. and the allegation is serious in nature especially when the victim is the wife of the elder brother of the present petitioner.
3. Learned Counsel for the petitioner dwells on two points, i.e., there is property dispute between the brothers and there is eight days delay in lodging the FIR. So far as the ground of property dispute is concerned there is admittedly no material to support that and so far as delay is concerned it can be well explained in view of the delicate relationship between the petitioner and the victim.
4. Regard being had to the seriousness of the allegation and the gravity of the offence, we are not inclined to exercise our discretion in favour of the petitioner under Section 438 Cr.P.C.
5. Accordingly, the prayer for the anticipatory bail is rejected.

6. The application being CRM (A) 3569 of 2023 is dismissed.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

