

01.09.2023
SL. 12
Court No. 29
Sourav
(Rejected)

C.R.M. (A) 3600 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Hariharpara** Police Station Case No. **237** of **2023** dated **04.06.2023** under Sections **448/376/506** IPC.

And

In the matter of: **Golam Mostafa Biswas**

....petitioner.

Ms. Minoti Gomes
Mr. Amanul Islam
Mr. Sourav Mukherjee

...for the petitioner.

Mr. Arijit Ganguly
Mr. Avik Ghatak

... for the State.

1. Heard learned Counsel for the parties.
2. The allegation of commission of rape by the present petitioner upon the victim/informant on 01.06.2023 gets due support from the statement of the victim as recorded under Section 164 Cr.P.C. and *prima facie* the same is at par with the version of the informant in her written complaint.
3. At this stage, nothing could be placed on behalf of the petitioner to dispel such allegation, which is serious in nature.
4. Considering 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 anticipatory bail is rejected.
6. The application being **CRM (A) 3600 of 2023** is dismissed.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

