

01.09.2023
(D/L 18)
Ct. No.29
Rejected
(SKB)

CRM (A) 3606 of 2023

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Krishnagar Kotwali P.S. Case No.421 of 2023 dated 09.05.2023 under Section 417/376 of the Indian Penal Code.

In the matter of : Sourav Adhikari

... Petitioner

Mr. Prabir Majumder,
Mr. Snehansu Majumder

... for the petitioner

Mr. Prasun Kr. Datta, Id. APP
Mr. Nirupam Dhali

... for the State

1. Heard learned Counsel for the parties at length.
2. On perusal of the entire materials as placed before us, it reveals that the present petitioner is a distant relative of the victim informant and it is her version in her statement recorded under Section 164 Cr.P.C. that on 17.4.2022 she was ravished by the present petitioner for which she became pregnant and subsequently given birth a girl child who, however, died after four days of her birth. Such version of the victim is found to be at par with the allegation as made out in the written complaint filed under Section 156 Cr.P.C. Though learned advocate for the petitioner, in course of his submission, was very vehement with regard to one year delay in lodging the

FIR, in our considered view, the same can be decided by trial on evidence by the learned trial court.

3. Regard being had to the facts and circumstances as stated above and gravity of evidence, 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. CRM(A) 3606 of 2023 is dismissed.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)