

06.10.2023
SL. 12
Court No. 29
Suvayan
(Rejected)

C.R.M. (A) 3728 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Dhantala** Police Station Case No. **428 of 2023** dated **09.06.2023** under Sections **376/323/325/506/427/120B/34** of the IPC.

And

In the matter of: **Samrat Das & Anr.**

....petitioners.

Mr. Sumanta Das

...for the petitioners.

Mr. Debabrata Chatterjee

Mr. Santanu Chatterjee

...for the State.

1. Heard learned Advocate for both the parties.
2. Though it has been submitted on behalf of the petitioners that the present case as involved in this application is the outcome of a neighbor dispute but the from the statements of the witnesses as recorded under Section 164 Cr.P.C. it reveals that both the present two petitioners were actively involved in the alleged crime of rape of the victim lady which we cannot disbelieve at this stage.
3. Considering the seriousness of the crime and the alleged involvement of the present two petitioners in the said crime, we are not inclined to exercise our discretion in favour of the petitioners under Section 438 Cr.P.C.
5. Accordingly, the prayer for the anticipatory bail is rejected.
6. The application being **CRM (A) 3728 of 2023** is dismissed.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

