

11.10.2023

SL. 21

Court No. 29

Sourav

(Rejected)

C.R.M. (A) 3955 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Raiganj** Police Station Case No. **72** of **2023** dated **28.05.2023** under Sections **493/376/417/506** IPC (corresponding to G.R. Case No. 1140 of 2023).

And

In the matter of: **Jewel Sarkar @ Juel Sarkar**

....petitioner.

Mr. Ashok Das

Mr. Mazhar Hossain Chowdhury

...for the petitioner.

Mr. Tanmoy Mr. Ghosh

Ms. Sonali Bhar

...for the State.

Mr. Kamal Ganguly

... for the defacto complainant.

1. Heard learned Counsel for the parties.
2. On the last occasion, i.e., on 03.10.2023 we had requested the learned Counsel for the State to take instruction as to whether any departmental proceeding has been initiated against the present petitioner or not. To that effect, learned Counsel for the State has submitted a report prepared by LSI, Subhadra Saha of Raiganj Women P.S. wherefrom it reveals that the present petitioner being an ASI of the said Police Station is not attending his duty since 28.05.2023 and he is found unauthorized absent and a departmental proceeding has also been initiated in the meantime.
3. So far as the allegation of the informant is concerned in connection with the case as involved in the instant application, we find that in course of investigation statement

of the victim has been recorded under Section 164 Cr.P.C. In such statement, we found that the victim lady categorically stated as to how she was raped repeatedly in different places by the present petitioner by exploiting his official position.

4. Considering the seriousness of the crime and the gravity of offence as levelled against the present petitioner and also considering the fact that investigation is in progress, we are not inclined to exercise our discretion under Section 438 Cr.P.C. in favour of the petitioner.
5. Accordingly, the prayer for anticipatory bail is rejected.
6. The application being **CRM (A) 3955 of 2023** is dismissed.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

