

03.10.2023
(D/L 72)
Ct. No.29
Rejected
(SKB)

CRM (A) 4006 of 2023

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Belghoria P.S. Case No.245 of 2023 dated 10.05.2023 under Sections 498A/406/376/506 of the Indian Penal Code and Sections 3 & 4 of the D.P. Act corresponding to G.R. Case No.3960 of 2023.

In the matter of : Jyoti Prosad Roy Mahasaya
... Petitioner

Mr. Soumya Basu Roy Chowdhury
... for the petitioner

Mr. Pravas Bhattacharjee,
Mr. Mirza Firoj Ahmed Begg
... for the State

1. Liberty is given to the learned counsel for the petitioner to correct the cause title of the petition.
2. Heard learned advocates for the parties.
3. Considered the materials placed before us including the statement of the victim recorded under Sections 161 and 164 Cr.P.C. The way the petitioner has taken advantage of the helplessness of the victim, we are not inclined to exercise our discretion under Section 438 Cr.P.C. in favour of the petitioner though there is stated to be about two years delay in filing of the FIR which, according to our considered view, has, *prima facie*, been explained.
4. Accordingly, the prayer for anticipatory bail is rejected.
5. CRM(A) 4006 of 2023 is dismissed.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)