

12.10.2023
M/L 48
Ct. No.29
(Rejected)
(SKB)

CRM (A) 4137 of 2023

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Palashipara P. S. Case No.248 of 2023 dated 12.08.2023 under Sections 448/323/376 of the Indian Penal Code in S.L. No.1626 of 2023.

In the matter of : Mintu Mallick

... Petitioner

Mr. Ashok Das,
Mr. Amanul Islam,
Mr. Sourav Mukherjee

... for the petitioner

Md. Anwar Hossain,
Ms. Ratna Ghosh

... for the State

1. Heard learned advocates for the parties.
2. Though it has been submitted by the learned advocate for the petitioner that it is a consensual sex between the petitioner and the victim lady and report has been lodged against the petitioner when both of them were caught red handed in compromising position for the sake of self-preservation of the informant, we find from the statements of the witnesses as recorded under Section 164 Cr.P.C., sufficient incriminating material to come to a *prima facie* finding that on the alleged date and hour, the victim was ravished forcefully by the present petitioner. Such allegation also gets *prima facie* support from the injury report of the victim and the same is also in

consonance with the written complaint as lodged by the informant.

3. Considering the seriousness of the crime and the gravity of offence, 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) 4137 of 2023 is dismissed.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)