

**13.10.2023**  
SL. 14  
Court No. 29  
Suvayan  
(Rejected)

**C.R.M. (A) 4172 of 2023**

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Hariharpara** Police Station Case No. **77 of 2023** dated **25.02.2023** under Section **376** of the IPC.

And

In the matter of: **Rubel Sk. @ Rakibul Sk.**

....petitioner.

Ms. Shabana Hasin  
Mr. Mobaidur Hossain

...for the petitioner.

Mr. Saswata Gopal Mukherji, PP  
Mr. Aniket Mitra  
Ms. Jonaki Saha

...for the State.

1. Heard learned Advocate for both the parties.
2. Though it has been stated on behalf of the petitioner that in the present case delayed FIR has been lodged which shows the mala-fideness of the informant, we find from the statement of the victim as recorded under Section 164 Cr.P.C. that there are specific allegation against the present petitioner that on 08.12.2022 at about 5.00 a.m. the present petitioner surreptitiously entered into the room of the informant/victim in absence of her husband and thereafter forcefully raped her by taking off her wearing apparels.
3. Considering the seriousness of the crime, we are not inclined to exercise our discretion in favour of the petitioner under Section 438 Cr.P.C.
5. Accordingly, the prayer for the anticipatory bail is rejected.
6. The application being **CRM (A) 4172 of 2023** is dismissed.

**(Chitta Ranjan Dash, J.)**

**(Partha Sarathi Sen, J.)**

