

20.11.2023

SL. 21

Court No. 29

Sourav

(Rejected)

C.R.M. (A) 4299 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Kandi** Police Station Case No. **478** of **2023** dated **13.08.2023** under Sections **498A/323/325/494/376/379/406/34** IPC and Sections **3/ 4** of the Dowry Prohibition Act (corresponding to G.R. Case No. 1545 of 2023).

And

In the matter of: **Hirendra Nath Chaudhuri**

....petitioner.

Mr. Manas Kumar Das

...for the petitioner.

Mr. Bidyut Kr. Roy

Ms. Rita Datta

...for the State.

Mr. Navanil De

Mr. Rajeshwar Chakrobarty

Mr. Srinjan Ghosh

Mr. Subhrajit Dey

Ms. Monami Mukherjee

... for the defacto complainant.

1. Leave is granted to the learned Counsel for the petitioner to correct the cause title in Court today.
2. Heard learned Counsel for the parties including the learned advocate for the informant.
3. On perusal of the statement of the victim as recorded under Section 164 Cr.P.C., we find direct allegation of committing rape by the present accused petitioner, who is the father-in-law of the victim lady.
4. We do not find any justification to disbelieve such statement of the victim lady at least at this stage.
5. Considering the seriousness of the crime, we are not inclined to exercise our discretion under Section 438 Cr.P.C. in favour

of the petitioner.

6. Accordingly, the prayer for anticipatory bail is rejected.
7. The application being **CRM (A) 4299 of 2023** is dismissed.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

