

14.12.2023
SL. 3
Court No. 29
Suvayan
(Rejected)

C.R.M. (A) 4435 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Gosaba** Police Station Case No. **105 of 2022** dated **04.07.2022** under Sections **328/376D** IPC.

And

In the matter of: **Dinesh Kumar Yadav @ Dinesh Kumar**
....petitioner.

Mr. Gobinda Chandra Baidya
Mr. Gobinda Baidya

...for the petitioner.

Mr. Antarikhya Basu

...for the State.

1. Heard learned Counsel for both the parties.
2. Though some materials have been produced before us in the form of annexures to the present petition to show that the present petitioner had relationship outside his marriage with the victim, such a fact alone cannot be taken as a mitigating circumstance to displace the allegation made by the victim in her statement recorded under Section 164 Cr.P.C. The victim has specifically alleged that in the guise of intoxication the victim was seduced and was ravished by two persons including the present petitioner in a lodge where the victim was taken by the petitioner.
3. Regard being had to the seriousness of the charge and the quantum of punishment prescribed, we are not inclined to exercise our discretion in favour of the petitioner under Section 438 Cr.P.C.
4. Accordingly, the prayer for the anticipatory bail is rejected.
5. The application being **CRM (A) 4435 of 2023** is dismissed.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

