

05.07.2023
Item no.14.
Court No.01.
S. De
(Rejected)

Circuit Bench of Calcutta High Court
at Jalpaiguri

CRM (A) No.451 of 2023

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure filed on 23.06.2023 in connection with Mekhliganj Police station Case No. 47 of 2023 dated 18.02.2023 under Sections 376/506 of the Indian Penal Code.

And

In the matter of : Binay Roy. ...Petitioner.

Mr. Hillol Saha Poddar,
Ms. Mousumi Das,
.....for the Petitioner.

Mr. Abhijit Sarkar,
Ms. Namrata Das,for the State.

Heard learned advocate for the petitioner and learned
advocate for the State at length.

Drawing attention to the written complaint, it is contended on behalf of the petitioner that since there was a break-up in the consensual relationship between the de facto complainant and the present accused petitioner, the instant case has been lodged falsely.

While opposing the prayer for anticipatory bail, learned advocate for the State draws our attention to the statement of the victim as recorded under Section 164 Cr.P.C.

On perusal of the statement of the victim as recorded under Section 164 Cr.P.C., it appears that the allegation of forceful

sexual assault upon the victim/de facto complainant by the present accused petitioner is found prima facie prominent.

Considering the entire circumstances, we are not inclined to exercise our discretion under Section 438 in favour of the petitioner.

In view of the same, prayer for anticipatory bail is considered and rejected.

CRM (A) 451 of 2023 is dismissed.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Partha Sarathi Sen, J.)

(Arijit Banerjee, J.)