

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI**

11.12.2023.
23/tkm

C.R.M. (A) 988 of 2023

In Re : An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Dinhata Women P.S case no. 88 of 2023 dated 22.8.2023 under sections 448/376/506/109 IPC.

and

In Re : Jaynal Miah @ Joynal Abedin ... petitioner

Mr. S Misra
Mr. S Das

..... for the petitioner

Mr. Tapan Bhattacharjee
Mr. Chattu Roy

..... for the State

1. Petitioner submits that there is enmity between himself and the family members of the victim. There is delay in lodging FIR. He prays for anticipatory bail.
2. Learned lawyer for the State opposes the prayer for anticipatory bail.
3. We have considered the materials on record. Statement of victim shows petitioner and his brother had trespassed into the house of the victim. Petitioner held the hand of the victim while his brother committed rape. Delay in lodging FIR was due to systemic inaction and has been explained.
4. Under such circumstances and in view of the nature of offence we are of the opinion this is not a fit case to grant anticipatory bail to the petitioner.
5. Accordingly prayer for anticipatory bail is rejected.

(Apurba Sinha Ray, J.)

(Joymalya Bagchi, J.)