

12.12.2023

Sl. No.26
akd
[Rejected]

IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri

C. R. M. (A) 997 of 2023

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 16.10.2023 in connection with Pundibari Police Station Case No. 605 of 2023 dated 25.08.2023 under Sections 448/376/506/34 of the Indian Penal Code.

And

In Re: ***Rabindra Sarkar***

... .. Petitioner

Mrs. Pratusha Dutta Chowdhury

... .. for the petitioner

Mr. Saikat Chatterjee

Mr. Chattu Roy

... .. for the State

1. It is submitted on behalf of the petitioner that there are case and counter-case between the parties. On 24.08.2023 family members of the victim had vandalized his shop. A criminal case was registered. In retaliation, he has been falsely implicated. Accordingly, he prays for anticipatory bail.
2. Learned Advocate for the State opposes the prayer for anticipatory bail.
3. We have considered the materials on record. On 20.08.2023 petitioner had committed rape on the victim. In retaliation, family members of the victim had attacked the shop of the petitioner. In this backdrop, it cannot be said registration of the criminal case alleging rape is a counterblast. Keeping in mind the nature of offence and prima facie involvement of the petitioner therein, we

are of the opinion this is not a fit case to grant anticipatory bail to the petitioner.

4. Accordingly, the prayer for anticipatory bail of the petitioner stands rejected.

(Apurba Sinha Ray, J.)

(Joymalya Bagchi, J.)