

13.02.2024

Serial no. 126

Anticipatory bail

[Rejected]

2d

CRM (A) 247 of 2024

*In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Palashipara** Police Station Case No. **127** of **2021** dated **15.04.2021** under Section **376** of the Indian Penal Code, 1860.*

-And-

In the matter of : **Bikram Ghosh**

... ..**Petitioner**

Ms. Minoti Gomes,
Mr. Amanul Islam,
Mr. Sourav Mukherjee,
Ms. Dona Sanyal, Advocates
... .. For the Petitioner

Mr. Partha Pratim Das,
Mr. S. Kundu, Advocates
... ...For the State

Police case is dated April 15, 2021.

Victim was 72 years of age at the time of the incident. She contemporaneously stated before the doctor treating her that the petitioner raped her. She also recorded a statement under Section 161 of the Criminal Procedure Code implicating petitioner before us. However, she recorded a statement under Section 164 of the Criminal Procedure Code in 2023 where, she suggested that she fell down and sustained the injuries.

The contemporaneous injury report and the statement recorded under Section 161 of the Criminal Procedure Code implicates the petitioner before us.

Considering the gravity of the offence and the involvement of the petitioner in the incident, we are unable to grant anticipatory bail to the petitioner.

Prayer for anticipatory bail of the petitioner is **rejected**.

CRM (A) 247 of 2024 is **dismissed**.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)