

24.04.2024
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Ct. No. 29
S.D.
REJECTED

C.R.M.(A) 975 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Harishchandrapur** Police Station Case No. **1250 of 2023** dated **09.12.2023** under Sections **323/376/379** of the Indian Penal Code.

And
In Re : **Mojammel Hoque @ Mojabul Hoque**
..... petitioner

Ms. Minoti Gomes
Mr. A. Ahammed
Mr. Mussaraf Hossain
...for the petitioner
Mr. Joydeep Roy, Ld.Jr. Govt.,
Ms. Sujata Das
.... For the State

Despite service by the State, defacto complainant is not represented.

Learned advocate appearing for the State draws the attention of the Court to the statement of the defacto complainant recorded under Section 164 of the Cr.P.C.

Such statement acknowledges that she boarded on to a two wheeler of the petitioner voluntarily. In fact, she acknowledges that the petitioner was known to her. Thereafter, she proceeds to claim that she was raped.

Defacto complainant underwent a medical examination which records signs of injuries on her body.

Defacto complainant was found by a number of persons who recorded statements under Section 161 of the Cr.P.C. Before such persons, initially the defacto complainant claimed

that she lost her way and thereafter confided that she was raped by the petitioner.

Materials in the case diary suggest involvement of the petitioner.

Enlarging the petitioner on anticipatory bail will be inimical to the investigation.

Consequently, we are unable to grant anticipatory bail to the petitioner and the prayer for anticipatory bail is rejected.

The application being **CRM (A) 975 of 2024** is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)