

24.04.2024
49
Ct. No. 29
S.D.
REJECTED

C.R.M.(A) 1092 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Berhampore** Police Station Case No. **167 of 2024** dated **04.02.2024** under Sections **376/417/323/325/379/34** of the Indian Penal Code.

And

In Re : **Rafikul Sk**

..... petitioner

Ms. Shabana Hasin
Ms. Samima After Banu
Ms. Neha Roy

...for the petitioner

Mr. Atif Ahmed Siddiqui
.... For the State

Md. Sarwar Jahan
Md. Ashraful Huq
..for the defacto complainant

Petitioner, State and the defacto complainant are represented.

Learned advocate appearing for the petitioner submits that, the defacto complainant is a married lady with children. She refers to the written complaint of the defacto complainant. She submits that, the defacto complainant acknowledges in her written complaint that there was a promise of marriage.

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.

Learned advocate appearing for the defacto complainant refers to the written complaint.

We perused the materials in the case diary.

In her statement under Section 164 of the Cr.P.C., defacto complainant claims that petitioner was the friend of her husband and used to make indecent proposals to her and of marriage. She used to turn down such proposals of marriage and physical relationship. On the fateful day, the petitioner raped her although promising to marry and holding out other promises.

The statement of the defacto complainant implicates the petitioner in an incident of rape. Role of the petitioner requires investigation.

Enlarging the petitioner on anticipatory bail at this stage will be inimical to such 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) 1092 of 2024** is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)

