

24.04.2024
Item No.14
Ct. No. 29
CHC
Rejected

C.R.M.(A) 1424 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Egra** Police Station Case No. **871** of **2023** dated **06.12.2023** under Sections **354/354A/354B/376/511/506** of the Indian Penal Code, 1860.

And

In the matter of : Chandan Das @ Chandan Kumar Das
@ Patua

..... petitioner

Mr. Sabir Ahmed,
Mr. Kapil Chandra Sahoo,
Ms. Suman Biswas
....for the petitioner

Mrs. Zareen N. Khan,
Ms. Purnima Ghosh
....for the State

Petitioner prays for anticipatory bail.

Learned advocate appearing of the petitioner submits that, there is a delay in lodging First Information Report. Moreover, petitioner went to the house of the survivor for the purpose of collecting the money lent and advanced to the family members of the survivor. Police filed charge-sheet and therefore, the requirement of custodial interrogation of the petitioner is not required. Petitioner was falsely implicated.

Learned advocate appearing for the State draws the attention of the Court to the materials in the Case Diary. He submits that, the survivor is a mentally challenged person. She recorded her statement under Section 164 of the Criminal

Procedure Code. She draws the attention of the Court to the statements of the neighbours recorded under Section 161 of the Criminal Procedure Code.

We perused the statement of the survivor recorded under Section 164 of the Criminal Procedure Code, where she implicates petitioner before us in outraging her modesty and attempting to rape her.

Neighbours who recorded their statements under Section 161 of the Criminal Procedure Code stated that they rushed to the place of occurrence when they found the petitioner locked inside the room belonging to the survivor. The petitioner left the place after being accosted by the neighbours. Presence of the petitioner at the place of occurrence is established by his admission as well as statements of the neighbours. No material or document put forth that there was a loan transaction in between the petitioner and the family members of the survivor.

Considering the gravity of the offence and the involvement of the petitioner in the incident, notwithstanding the fact that, police filed charge-sheet, we are unable to grant anticipatory bail to the petitioner.

This application for anticipatory bail is, thus, rejected.

CRM(A) 1424 of 2024 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)