

22.08.2024
SL No.19
Court No.29
(gc)
(Rejected)

CRM (A) 2902 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Tamluk Police Station Case No.248 of 2024 dated 18.03.2024 under Sections 448/325/354B/308/376/511/509/506/34 of the Indian Penal Code.

And

In the matter of : **Rajendranath Guria & Anr.**

- Petitioners.

Mr. Swapan Kumar Mallick,

Mr. Abhinaba Mukherjee,

....For the Petitioners.

Mr. Rana Mukherjee, Ld. A.P.P.,

Mr. Arani Bhattacharyya

... For the State.

Mr. Sandip Ghosh,

Mr. Partha Sarkar

....For the O.P. No.2/de facto complainant.

1. The learned Counsel for the petitioners submits that due to dispute over the landed properties they have been falsely implicated. It is further submitted that after filing of the suit, a false complaint has been lodged by the de facto complainant.
2. The prayer for anticipatory bail is opposed on behalf of the de facto complainant and the State.
3. The State has produced the case diary.
4. Considering the materials available in the case diary, the nature and extent of complicity of the petitioners in the commission of the alleged offence and the statement of the victim directly implicating the petitioners for outraging her modesty and physically assaulting her and having regard to the fact that the civil suit was instituted one month after the date of the alleged

incident and lodging of the FIR by the de facto complainant,
we are not inclined to grant anticipatory bail to the petitioners.

5. Accordingly, the application for anticipatory bail is rejected.

6. All parties shall act on the server copy of this order duly
downloaded from the official website of this Court.

(Soumen Sen, J.)

(Uday Kumar, J.)