

17.09.2024
SL No.23
Court No.29
(gc)
(Rejected)

CRM (A) 3072 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Ratua Police Station Case No.31 of 2012 dated 18.01.2012 under Sections 376/417/109 of the Indian Penal Code.

And

In the matter of : **Sk Sampu**

- Petitioner.

Ms. Salma Sultana Shah

....For the Petitioner.

Mr. Kaushik Biswas,

Ms. Ankita Paul

... For the State.

Mr. Amit Ranjan Pati

....For the Victim.

1. The petitioner is absconding for the last 13 years. It is surprising that no prayer for proclamation and attachment has been made. This is a serious lapse on the part of the investigating agency and it has enured to the benefit of the petitioner.
2. The S.P., Malda is directed to enquire into the matter and take appropriate disciplinary steps against the officers responsible for the said delay.
3. Having considered the materials available in the case diary and the statement of the victim recorded under Section 164 Cr.P.C. implicating the petitioner in the commission of the alleged offence, we are not inclined to grant anticipatory bail to the petitioner.
4. Accordingly, the application for anticipatory bail is rejected.

5. However, we are surprised to find that the name of the petitioner has been redacted.
6. All records shall be redacted immediately.
7. A copy of this order shall be immediately forward to the learned District Judge, Malda, the learned Additional Chief Judicial Magistrate, Chanchal and S.P., Malda.
8. 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.)