

02.01.2024
Item No.28
Ct. No. 29
CHC
Rejected

C.R.M.(A) 4233 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Hanskhali** Police Station Case No. **1226** of **2022** dated **08.12.2022** under Sections **363/365/34** of the Indian Penal Code, 1860 read with Sections **8/12** of the Protection of Children from Sexual Offences Act, 2012.

And

In the matter of : Rupali Biswas @ Rupali Sagar Biawas
..... petitioner

Ms. Sananda Bhattacharyya
....for the petitioner

Ms. Faria Hossain,
Ms. Mamata Jana
....for the State

The application is taken up for consideration subsequent to the order dated October 16, 2023 passed by the co-ordinate Bench.

Learned advocate appearing for the petitioner submits that, such interim order was not passed by the co-ordinate Bench but was recorded wrongly.

We find from the records that there subsist an order dated October 16, 2023 granting interim anticipatory bail to the petitioner.

It is also submitted at the bar that, such interim order was passed on October 16, 2023 without consulting the

materials in the Case Diary and in view of the ensuing Puja Vacation.

We perused the materials in the Case Diary. We find that, the victim recorded a statement under Section 164 of the Criminal Procedure Code where she claimed that there was a physical relationship between her and the principal accused. The petitioner before us is the mother of the principal accused.

The victim in her statement recorded under Section 164 of the Criminal Procedure Code ascribed a role so far as the petitioner is concerned.

The role of the petitioner in the incident requires investigation.

In such circumstances, we are unable to grant anticipatory bail to the petitioner.

This application for anticipatory bail is, thus, rejected.

CRM(A) 4233 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)