

04.01.2024

Serial no. 137

Anticipatory bail

[Rejected]

2d

CRM (A) 4596 of 2023

*In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Tehatta** Police Station Case No. **722** of **2023** dated **09.09.2023** under Sections **448/323/376/511** of the Indian Penal Code, 1860.*

-And-

In the matter of : **Gopal Mondal**

... ..**Petitioner**

Mr. Amanul Islam,
Mr. Sourav Mukherjee,
Ms. Roma Roy, Advocates
... .. For the Petitioner

Mr. Anwar Hossain,
Ms. Ratna Ghosh, Advocates
... ..For the State

Petition is taken up for consideration subsequent to order dated October 16, 2023.

By such order, interim anticipatory bail was granted by the co-ordinate Bench.

It is submitted at the Bar that the co-ordinate Bench did not consider the materials in the case diary and passed such order in view of the ensuing Puja vacation.

We perused the materials in the case diary. The victim recorded a statement under Section 164 of the Criminal Procedure Code where, she stated that petitioner used to stalk her and ask her for illicit sexual favour. On the fateful evening, the petitioner entered her house and tried to rape her. She somehow extracted herself from the clutches of the petitioner and raised a hue and cry. The incident was witnessed by her child. The child of the victim recorded a statement under Section 164 of the Criminal Procedure Code which corroborates

the statement of the victim. There is a statement of a neighbour recorded under Section 164 of the Criminal Procedure Code who says that he saw the petitioner to run away from the house of the victim at the relevant point of time.

Injury report of the victim corroborates her statement.

In such circumstances, considering the gravity of the offence and the involvement of the petitioner in the incident as transpiring from the materials in the case diary, we are unable to confirm the interim order granted on October 16, 2023 or grant anticipatory bail to the petitioner.

Prayer for anticipatory bail of the petitioner is **rejected**.

CRM (A) 4596 of 2023 is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)