

09.01.2024
Item No.179ML
Ct. No. 29
CHC
Rejected

C.R.M.(A) 4814 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. **755** of **2023** dated **23.09.2023** under Sections **448/376/511/325/307/34** of the Indian Penal Code, 1860.

And

In the matter of : Prakash Khan @ Prakash Chandra Khan
..... petitioner

Mr. Ashok Das,
Mr. Amanul Islam,
Mr. Sourav Mukherjee,
Ms. Hasi Jana
....for the petitioner

Mr. Anwar Hossain,
Ms. Ratna Ghosh
....for the State

Mr. Atis Kumar Biswas,
Mr. Amit Singh,
Ms. Piyu Mondal
....for the de facto complainant

Petition is taken up for consideration subsequent to the order dated October 17, 2023 passed by the co-ordinate Bench.

By such order, the coordinate Bench granted interim anticipatory bail to the petitioner.

It is submitted at the bar that, such order was passed without consulting the materials in the Case Diary and in view of the ensuing Puja Vacation.

We perused the materials in the Case Diary.

A person suffered injuries on the private parts.

Her statement stands corroborated by the medical evidence available in the Case Diary.

The victim identifies the petitioner as the person who perpetrated the assault on her resulting in her sustaining injuries on her private parts.

Considering the gravity of the offence and the involvement of the petitioner in the incident, we are unable to extend the interim order dated October 17, 2023 or grant anticipatory bail to the petitioner.

This application for anticipatory bail is, thus, rejected.

CRM(A) 4814 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)