

Court No. 29

31.01.2024

(AD 49)

(S. Banerjee)

CRM(A) 5214 of 2023

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Contai Women** Police Station Case No. **73 of 2023** dated **16.05.2023** under Sections 448/376/506 of the Indian Penal Code, 1860.

And

In the matter of: **Raju Dolai @ Raju Dalai**

Mr. Amal Krishna Samanta

... for the petitioner

Mr. Binay Panda

Mr. Goutam Banerjee

... for the State

The petitioner prays for anticipatory bail.

Learned advocate for the petitioner submits that there is a delay of 18 days in lodgement of the petition under Section 156(3) of the Cr.P.C.

Learned advocate for the State draws the attention of the court to the materials in the Case Diary including the statement of the victim recorded under Section 164 Cr.P.C.

The victim recorded a statement under Section 164 Cr.P.C. where she speaks of an incident of rape committed by the petitioner on her on May 16, 2023. Materials in the Case Diary suggests that contemporaneously the victim went to the hospital. There was an injury report to such extent. She lodged a

complaint with the police on May 16, 2023. Police did not act there on. Thereafter, she approached the court under Section 156(2) Cr.P.C.

Considering the materials in the Case Diary, the gravity of the offence and the involvement of the petitioner therein, we are unable to grant anticipatory bail to the petitioner.

CRM(A) 5214 of 2023 is rejected.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)