

31.01.2024

Serial no. **ML 527**

Anticipatory bail

[Rejected]

Dd

CRM (A) 5246 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. **674** of **2023** dated **24.08.2023** under Sections **448/376/511/325/506/34** of the Indian Penal Code, 1860.*

-And-

In the matter of : **Rupchand Mondal**

... ..**Petitioner**

Mr. Ashok Das,
Mr. Amanul Islam,
Mr. Sourav Mukherjee, Advocates
... .. For the Petitioner

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

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner submits that the petitioner was falsely implicated. The previous police complaint was lodged as against the petitioner where, petitioner was enlarged on anticipatory bail. Subsequent thereto, the present police complaint was lodged.

We perused the materials in the case diary including the statements of neighbours and statements recorded under Section 164 of the Criminal Procedure Code of the victim and her daughter.

An incident of assault did take place at the barest minimum.

Statement of the victim of an attempt to rape her is corroborated by the statement of her daughter.

Neighbours also saw the petitioner at the time and place of occurrence.

In such circumstances, considering the gravity of the offence and the involvement of the petitioner therein, we are unable to grant anticipatory bail to the petitioner.

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

CRM (A) 5246 of 2023 is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)