

01.02.2024
Item No.54
Ct. No. 29
PG/KS
Rejected

C.R.M.(A) 5294 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Mothabari** Police Station **Case No.388 of 2023** dated **28.10.2023** under Sections **448/376** of the Indian Penal Code, 1860.

And

In the matter of : **Manoj Chowdhury**

.....Petitioner.

Mr. Mrityunjoy Chatterjee
Mr. Debapriya Majumder
Mr. Akash Sarkar
Mr. Arindam Paolefor the Petitioner.

Mr. Abhra Mukherjee
Ms. Kumkum Mitrafor the State.

Petitioner prays for anticipatory bail.

Learned advocate for the petitioner submits that there is a delay of about a month in the lodgment of the First Information Report.

Learned advocate for the State draws the attention of the Court to the statement of the victim recorded under section 164 of the Code of Criminal Procedure as well as the statements recorded under section 161 of the Code of Criminal Procedure of the other persons in which the victim implicates the petitioner for the offence of rape.

Her version stands corroborated by eye witnesses recording statements under section 161 of the Code of Criminal Procedure. Such statements suggest that they saw the petitioner to flee away from the place of occurrence.

Considering the gravity of the offence and the involvement of the petitioner as transpiring from the materials in the case diary, we are unable to grant anticipatory bail to the petitioner.

Accordingly, C.R.M.(A) 5294 of 2023 is rejected

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)