

05.02.2024
ML-438
Court No.29
(AD)
(Rejected)

C.R.M. (A) 5515 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Krishnaganj** Police Station Case No.**348 of 2023** dated **04.09.2023** under Sections **448/376/506** of the Indian Penal Code, 1860. (G.R. Case No.2737 of 2023).

And

In the matter of: **Sentu Ghosh @ Sintu Ghosh**

....petitioner.

Mr. Prabir Majumder

... for the petitioner.

Mr. Shibaji Kumar Das

...for the State.

Petitioner prays for anticipatory bail.

Learned Advocate appearing for the petitioner submits that petitioner and the victim were in an amorous relationship. Petitioner was falsely implicated. There is a delay in the lodgment of the First Information Repot.

Learned Advocate appearing for the State draws the attention of the Court to the materials in the case diary including the statement recorded under Section 164 of the Code of Criminal Procedure. He submits that there is a previous police complaint of house trespass against the petitioner.

The victim in her statement recorded under Section 164 of the Code of Criminal Procedure stated that, the petitioner used to tease her occasionally and hold out indecent proposals and that on the fateful day committed rape on her.

The claim of the victim as to the teasing and harassment meted out by the petitioner stands corroborated by the earlier police complaint. Statement of the victim cannot be ignored at this stage.

In such circumstances, we are unable to grant anticipatory bail to the petitioner.

Accordingly, the prayer for anticipatory bail of the

petitioner is rejected.

C.R.M. (A) 5515 of 2023 is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)