

15.01.2024
Item No.14
Ct. No. 29
CHC
Rejected

C.R.M.(A) 90 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Ranitala** Police Station Case No. **406/2023** dated **09.11.2023** under Sections **376(3)/506** of the Indian Penal Code and Section **4** of POCSO Act.

And

In the matter of : Mangal Mondal @ Mangal Deep Mondal.
..... petitioner

Mr. Pradyat Saha
....for the petitioner
Mr. Arijit Ganguly,
Ms. Ratna Ghosh
....for the State

Petitioner prays for anticipatory bail.

The victim is a minor and in her statement recorded under Section 164 of the Criminal Procedure Code implicates the petitioner before us in raping her.

Apparently, the victim did not undergo medical test.

However, absence of medical test may not be sufficient to disbelieve the de facto complainant.

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

This application for anticipatory bail is, thus, rejected.

CRM(A) 90 of 2024 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)