

05.01.2024
Item No.39
Ct. No. 29
CHC
Rejected

C.R.M.(A) 5750 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Hariharpara** Police Station Case No. **464** of **2023** dated **17.10.2023** under Sections **376/506** of the Indian Penal Code.

And

In the matter of : Robin Mondal @ Rabindra Nath Mondal
..... petitioner

Mr. Asim Kumar Chakraborty
....for the petitioner

Mr. Pinak Kumar Mitra
....for the State

Md. Hafiz Ali
....for the de facto complainant

Petitioner prays for anticipatory bail.

Petitioner claims that he was falsely implicated.

State and the de facto complainant are represented.

The de facto complainant recorded her statement under Section 164 of the Criminal Procedure Code.

De facto complainant also underwent medical examination.

Statement recorded under Section 164 of the Criminal Procedure Code speaks of petitioner sexually assaulted her. The nature of the assault stands corroborated by the medical examination report. There is a statement recorded under Section 161 of the Criminal Procedure Code of an eyewitness who corroborates the version of the victim.

In view of the materials in the Case Diary, gravity of the offence and involvement of the petitioner therein, we are unable to grant anticipatory bail to the petitioner, even though the police filed charge-sheet.

This application for anticipatory bail is, thus, rejected.

CRM(A) 5750 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)