

13.08.2024
Court No.1
SL No.19
pk/AP

**HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI**

CRM(A) 869 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Sitai** P.S. Case No. **191 of 2023** dated **11.09.2023** under Sections **448/376/506** of the Indian Penal Code

And

In the matter of: **Aker Ali @ Aker Miah**

....Petitioner.

Mr. Surojit Basu
Mr. Ratan Chandra Roy
Mr. S. Bhowmick

...for the petitioner.

Mr. Tapan Bhattacharjee
Mr. Dhiman Sil

...for the State.

1. Anticipatory bail is sought on the ground that the complaint was lodged with the police after four days of the incident.

2. It is further argued that since the complaint indicates that the petitioner called the victim while she was sleeping at night in the house along with other relatives, she could have raised alarm and woken up the others. It is further submitted that the allegation that the petitioner threatened the victim with silence by showing a knife cannot be believed in the facts and circumstances of the case.

3. It is now well settled that the delay in lodging a complaint in a case under Section 376 of the IPC by itself may not be fatal to a prosecution. The circumstances which caused the delay can always be elucidated in course of trial.

4. This Court having carefully considered the complaint, FIR, Statement under Section 164 and the Medical Report, is of the view that the application for bail cannot be entertained at this stage.

5. In these circumstances, the application for anticipatory bail is hereby rejected.

6. Consequently all connected CRAN applications are also disposed of.

(Rajasekhar Mantha, J.)

(Ajay Kumar Gupta, J.)