

24.12.2024
(D/L 17)
Ct. No.1
(Rejected)
(BKN)

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

C.R.M.(A) 1026 of 2024

In Re:- An application for anticipatory bail under Section 482 of the B.N.S.S., 2023 in connection with Bagdogra P. S. Case No. 425 of 2023 dated 29.08.2023 under Section 376D of the I.P.C., 1860, pending before the Learned Additional District & Sessions Judge, Siliguri, Darjeeling arising out of G.R. Case No. 3225 of 2023.

In the matter of : Sri Atish Ekka @ Atish Kr. Ekka
... Petitioner

Ms. Pratusha Dutta Chowdhury
... for the petitioner

Mr. Abhijit Sarkar,
Mr. Ujjwal Luksom
Mr. Biswarup Roy
... for the State

1. Heard learned counsel for the petitioner and the learned counsel for the State.
2. The petitioner as per allegations has allured the victim girl and made her consume alcohol where after he along with two other persons had committed rape upon the victim girl. She has fled away, put up for the night at the friend's house, next day she has been raped again by three other accused persons.
3. The learned counsel for the petitioner submits that the five co-accused persons have already been allowed regular bail by a coordinate Bench of this Court. The bail has been granted relying upon the medical report which does not corroborate the allegations. The submission is

that since the medical does not corroborate the allegations, the nature of allegations being levelled against the petitioner, it is a fit case for grant of anticipatory bail to the petitioner. It is also submitted that the F.I.R was lodged fourteen days after the commission of the alleged offence.

4. Learned counsel for the State has assisted us with case diary and the material collected during the course of investigation.
5. The medical on which the learned counsel for the petitioner is harping has been conducted more than fifteen days after the commission of the alleged offence. We have gone through the statements of the victim girl under Section. 164 Cr. P.C., wherein she has supported the allegations. As per the statements and the F.I.R it is the petitioner who has allured the victim girl where after the occurrence has taken place. We are, therefore, not inclined to grant the petitioner the privilege of anticipatory bail.
6. The learned counsel for the petitioner submits that the other co-accused persons have been allowed regular bail. To that submission we only record that rejection of the present anticipatory bail shall not have any persuasive value before the Court whatsoever in the case the petitioner prays for grant of regular bail.

7. Accordingly, the prayer for the anticipatory bail is rejected.
8. The application being CRM(A) 1026 of 2024 is dismissed.
9. Case Diary be sent back immediately.

(Madhuresh Prasad, J.)

(Supratim Bhattacharya, J.)