

12.12.2025
Sl. No.18
NB

CRM (A) 3780 of 2025

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Goalpokher PS Case No.197/2024 dated 30.04.2024 under Section 376 of the Indian Penal Code.

And

In the matter of: Nizabul @ Nijabul ... petitioner

Mr. Mujibar Ali Naskar,
Md. Habibur Rahman,
Ms. Shagufta Parveen.
...for the petitioner.

Ms. Rituparna Ghosh,
Ms. Trisha Rakshit.
...for the State.

Report filed on behalf of the State is taken on record.

Despite service, no one appears on behalf of the de facto complainant.

It appears from the report that the victim had refused to give a statement before the learned Magistrate.

Heard the learned counsels for the parties.

Perused the case diary.

Although it is the petitioner's case that there was a love affair between the two, upon enquiry, learned counsel for the petitioner submits that the survivor was a deaf and dumb girl.

Learned counsel appearing on behalf of the State relies on the case diary including the statements of witnesses. According to the statement of a neighbour present at page 10 of the case diary, the survivor was mentally challenged. She would sit at the side of the road. On the particular day, the petitioner took her away to a field and

committed rape upon her. After the girl started crying, the petitioner fled away. The father of the victim took up this issue before the locals.

Considering the above and the other incriminating materials available in the case diary, I do not consider this to be a fit case for granting anticipatory bail.

The application for anticipatory bail being **CRM (A) 3780 of 2025** is, thus, rejected.

Urgent photostat certified copies of this order may be delivered to the learned Advocates for the parties, if applied for, upon compliance of all formalities.

(Jay Sengupta, J.)