

07.12.2021
Court No.32
Item No. 02
Krishnendu
Rejected (SM,J)

CRM 4496 of 2021
(Via video Conference)

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed in connection with Chakdaha Police Station Case No. 31 of 2020 dated 23.01.2020 under sections 306/34 of the Indian Penal Code.

And

In re: **Alok Kumar Roy**

...Petitioner

Mr. Prabir Majumder
Mr. Snehansu Majumder

... For the Petitioner

Mr. S.G.Mukherjee, Id. P.P.
Mrs. Faria Hossain
Mr. Aniket Mitra

...For the State

Apprehending arrest the present application under section 438 of Code of Criminal Procedure is filed by the petitioner, Alok Kumar Roy, praying for anticipatory bail.

Learned lawyer for the petitioner, Mr. Prabir Majumder, submitted that some of the co-accused persons are on bail. The present petitioner is on some footing. Charge sheet has been filed. As such, custodial detention is not necessary. Therefore, anticipatory bail may be granted to the present petitioner.

Per contra, the learned lawyer representing the State, Mr. Aniket Mitra, submitted that strong incriminating elements are there against the present petitioner as appears from the statements of the witnesses. It is further submitted by the learned lawyer that the allegations are of gang rape and abetment of suicide, which are grave and serious in nature. Other accused persons were granted bail under section 439 of the

Code of Criminal Procedure. Therefore, anticipatory bail should not be granted to the present petitioner.

We have heard rival submissions and perused the case diary and other materials.

We find that the allegations are grave and serious . Strong incriminating elements are there against the present petitioner. Although charge sheet is filed, the present petitioner is shown absconding. Therefore, we are not inclined to exercise our discretion and allow the anticipatory bail and the same stands rejected.

The application for anticipatory bail, being CRM 4496 of 2021, is, accordingly, dismissed.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)