

27.06.2019.
Item No.18
(Rejected)
ab

CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI

C.R.M. 291 of 2019

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 22.04.2019 in connection with Sitalkuchi Police Station Case No. 198 of 2014 dated 10.07.2014 (G.R. Case No. 646 of 2014) for commission of offence punishable under Section 365 and adding Sections 376(D)/328 of the Indian Penal Code, 1860;

And

In the matter of : Belal Miya @ Belal Miah @ Ibor.

... petitioner.

Mr. Hillol Saha Podder.

...For the petitioner.

Mr. Aditi Sankar Chakraborty, Id. APP,
Mr. Sourav Ganguly.

...For the State.

Heard the learned Advocates appearing on behalf of the parties.

Apprehending arrest in the connection with Sitalkuchi Police Station Case No. 198 of 2014 dated 10.07.2014 (G.R. Case No. 646 of 2014) for commission of offence punishable under Section 365 and adding Sections 376(D)/328 of the Indian Penal Code, 1860, the petitioner has filed the instant application for anticipatory bail.

Though the petitioner has stated on oath that he never moved any application for anticipatory bail either before the learned Sessions Judge, Cooch Behar or before this Court but it is evident from the case diary produced by the State that an application for anticipatory bail filed way back in the year

2015 before this Court was rejected. It is an apparent false statement made on oath to which we do not feel that the petitioner should be favoured with any order.

We have further perused the statement of the victim girl recorded under Sections 161 and 164 of the Code of Criminal Procedure and the complicity of the petitioner to the alleged offence cannot be ruled out.

The allegation is of serious in nature and the Investigating Officer is to undertake a hilarious task to unearth the truth and to approach the persons forming the racket.

The petitioner does not appear to us, at least from the materials available in the case diary, that he is so innocent and has no role in the alleged offence.

We, therefore, do not feel that it is a fit case where the petitioner should be favoured with any order as prayed for.

The application for anticipatory bail of the petitioner is, thus, rejected.

However, the Investigating Officer is directed to expedite the investigation so that he may reach to all the persons involved in such type of activities.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance with all requisite formalities.

(Hiranmay Bhattacharyya, J.)

(Harish Tandon, J.)