

24.11.2020

Item No.24

Ct.No.11

dc.

Rejected

C.R.M. 6817 of 2020

CRAN 1 of 2020

(Through Video Conference)

In Re : An Application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Rejinagar P.S. Case No. 153 of 2020 dated 05.06.2020 under Sections 376/325/326/308/34 of the Indian Penal Code (G.R. Case No. 1765 of 2020).

And

In the matter of : Md. Sahiduzzaman @ Sohiduzzaman Sk.
... Petitioner.

Mr. Shibasis Chatterjee ... For the Petitioner.

Mr. Bidyut Kumar Roy,
Ms. Rita Dutta ... For the State.

Mr. Somopriyo Chowdhury,
Mr. Dipanjan Dan ... For the de facto complainant.

The petitioner undertakes to affirm and stamp the petition/application as per Rules within a month of resumption of normal functioning of the Court. Subject to such undertaking, the application is taken up for hearing through video conferencing.

The learned advocate for the petitioner submits that as there is a political difference and rivalry between the petitioner and the victim lady, the petitioner has been falsely implicated in the instant case. The learned advocate also submits that as charge-sheet has already been submitted,

the detention of the petitioner may not be warranted in the facts and circumstances of the case.

The learned advocate for the State opposes the prayer for anticipatory bail and draws the attention of this Court to the statement of the victim under Section 164 of the Code of Criminal Procedure. The learned advocate further submits that it is not important whether charge-sheet is submitted, but the merits of the case and the evidence so collected must be perused before extending the liberty to the present petitioner.

Mr. Chowdhury, learned advocate appearing for the de facto complainant emphasises regarding the consistency of the statement of the victim lady from the stage of the FIR to her statement under Section 164 of the Code of Criminal Procedure before the learned Magistrate.

We have taken into account the materials on record as also the statement of the victim before the learned Magistrate. Having considered the materials appearing in the case diary as also the nature and gravity of the offence, we do not think that this is a fit case for extending the privilege of anticipatory bail to the petitioner. As such, prayer for anticipatory bail is rejected.

CRM 6817 of 2020 and CRAN 1 of 2020 are disposed of.

(Tirthankar Ghosh, J.)

(Subrata Talukdar, J.)