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18-11-2020

Court 12

C.R.M. 7709 of 2020

(Via Video Conference)

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Shyampur Police Station Case No. 201 of 2020 dated 18.07.2020 under Sections 341/325/326 of the Indian Penal Code.

Bapi Mondal

Versus

State of West Bengal

Ms. Juin Dutta Chakraborty, Adv.

...for the petitioner.

Mr. S.G. Mukherjee, Id. PP

Mr. Aniket Mitra, Adv.

...for the State.

The petitioner undertakes to affirm and stamp the petition/application as per the Rules within one month of resumption of normal functioning of the Court. The petition is taken up through video conference on the basis of such undertaking.

The learned Counsel for the petitioner submits that the petitioner has been falsely implicated in the instant case. It is also submitted that the charge-sheet has already been filed and, accordingly, there is no necessity for any custodial interrogation of the petitioner. There is a family dispute in which the parents apparently have sided with their unmarried daughter.

Learned Counsel appearing for the State, however, opposes the prayer for anticipatory bail. It is submitted that the father of the present petitioner in his statement recorded under Section 161 of the Code of Criminal Procedure has directly implicated the petitioner. The learned Counsel has also relied upon the injury report which prima facie shows grievous hurt.

Considering the materials made available with the case diary and the prima facie involvement of the petitioner in the commission of the said offence,

we are not inclined to grant anticipatory bail to the petitioner.

The application for anticipatory bail is, thus, rejected.

(Saugata Bhattacharyya, J.)

(Soumen Sen, J.)