

20.11.2020
Court No. 16
Item No.25
(D/L)
akd & ab

CRM 8510 of 2020
(Via Video Conference)

In Re: An application for anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Nandigram Police Station Case No. 67 of 2020 dated 05.03.2020 under Sections 417/376/323/506/34 of the Indian Penal Code.

and

In the matter of: Sk. Nabab

..... Petitioner

Mr. A. Chakraborty.

.....for the Petitioner

Mr. Sandip Chakraborty.

..... for the State

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

The petitioner claims that the petitioner had a relationship with the alleged survivor and there was no question of the petitioner using any force.

The State relies on the medical report and what the survivor reported to the doctor immediately after the incident. The State also places the statement of the survivor recorded under Section 164 of the Code.

It appears that on the petitioner's promise to marry the survivor, the survivor had allowed the petitioner to have sex with her and the survivor also accompanied the petitioner to Digha. However, upon the petitioner's lust apparently being satisfied, the petitioner attempted to kill the survivor and smashed her head against the wall. Indeed, the statement of the survivor says that the petitioner consulted his brother-in-law and the survivor could hear on the phone that the brother-in-law advised the petitioner to finish her off.

The petitioner claims that it was one Munna Sk., who

assaulted the victim. However the statement of the victim clearly makes out that it was the petitioner, who assaulted the victim. In such circumstances, the fact that Munna Sk. has been granted anticipatory bail by this Court is of no relevance.

Considering the statement of the survivor and the role of this petitioner, particularly as to how the petitioner managed to stay in the hotel by claiming the survivor to be a part of the petitioner's family, it is necessary for him to be interrogated in custody. The prayer for anticipatory bail is refused.

CRM 8510 of 2020 is disposed of.

(Sanjib Banerjee, J.)

(Hiranmay Bhattacharyya, J)