

58 10.01.2020
ss Rejected

C.R.M. 266 of 2020

In the matter of : An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed on 08.01.2020 in connection with Kotwali P.S. Case No. 806 of 2019 dated 21.11.2019 under sections 465/468/471/420/403/34 of the Indian Penal Code.

And

In the matter of : Mostafa Kamal Rabbani @ Md. Kazi Mostafa Kamal Rabbani

Ms. Priyanka Saha
Mr. M. Nazar Chowdhury

... .. for the petitioner

Mr. Sudip Ghosh
Mr. Apurba Kr. Datta

... .. for the State

It is submitted on behalf of the petitioner that he has been falsely implicated in the instant case after he had approached this Court in WPA 141 of 2019 seeking direction for appointment to the post of MMR and Kazi.

Learned lawyer for the State submits that the petitioner was not entitled to solemnize muslim marriages but had fraudulently solemnized a number of marriages. He was accused of similar offence on an earlier occasion.

We have considered the materials on record. No convincing material is placed before us in support of the contention of the petitioner that he has been authorized to solemnize muslim marriages. On the other hand,

conduct of the petitioner seeking direction for appointment to the post of MMR and Kazi in collateral proceeding reinforces the allegation that he did not have authority to act as an MMR and Kazi. In view of the aforesaid facts and the gravity of the offence which had affected the fate of innumerable couples who have been deceived by the petitioner and as petitioner has criminal antecedents, we are of the opinion this is not a fit case to grant anticipatory bail to the petitioner.

This application for anticipatory bail is, thus, rejected.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)