

02.03.2021
Item no.05
Court No.28
Avijit Mitra

C.R.M. 296 of 2021 (through video conference)

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with Islampur Police Station Case No.660 of 2019 dated 30.10.2019 under Section 376D of the Indian Penal Code;

And

In Re : Shabaj Alam @ Sk. Shahbaz Anwar & ors.

.... petitioners

Mr. M. Hussain Chowdhury,
Mr. M. Nazar Chowdhury,
Ms. Priyanka Saha

....for the petitioners

Mr. Saswata Gopal Mukherjee, Ld. P.P.,
Md. Anwar Hossain,
Ms. Sreyashee Biswas

..... for the State

Learned advocate appearing for the petitioners submits that the petitioners have been falsely implicated. There was a previous dispute between the families of the petitioners herein and the *de facto* complainant. A co-accused person, namely, Masoom Reja alias Masum Reza has already been granted anticipatory bail by a Coordinate Bench of this Court. In the said conspectus, the custodial interrogation of the petitioners is not warranted.

Mr. Hossain, learned advocate appearing for the State opposes the petitioners' prayer and submits that there are materials on record which clearly reveal the involvement of the petitioners in the alleged offence.

We have perused the earlier order of this Court passed in C.R.M. No.1115 of 2020 *vis-à-vis* the injury report of the victim girl. The statement of the victim girl as recorded under Section 164 of the Code reveals direct involvement of the petitioner in

the alleged offence. Considering the nature of allegations and the gravity of the offence, we are not inclined to grant anticipatory bail to the petitioners.

The application for anticipatory bail being C.R.M. No.296 of 2021 is, accordingly, dismissed.

The case diary is returned to the learned advocate appearing for the State.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)