

27.01.2021

Item no.205
Court No.28
Avijit Mitra

C.R.M.334 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 Samserganj Police Station Case No.01 of 2021 dated 01.01.2021 under Sections 376/448 of the Indian Penal Code, 1860;
And

In Re : Bireshwar Singha

.... Petitioner

Mr. Saikat Chatterjee

....for the petitioner

Ms. Faria Hossain,

Ms. Baisali Basu

..... for the State

The learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated in the instant case. Additionally learned advocate submits that there was a long-standing relationship and when the issue was known to the relations the present case was initiated against the petitioner out of grudge. Learned advocate further submits that the petitioner intends to cooperate with the investigating agency and would make himself available as and when required.

The learned advocate appearing 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 as well as the medical documents.

We have perused the materials on record which includes the statement of the victim, letter of complaint addressed to the concerned police station, medical report and on an cumulative assessment of the Court, we are of the opinion that the petitioner is not entitled to privilege of anticipatory bail.

Accordingly, the application being C.R.M.334 of 2021 is rejected.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)