

03.02.2021
Item no.330
Court No.28
Avijit Mitra

C.R.M. 392 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 Bhagwangola Police Station Case No. 407 of 2020 dated 21.08.2020 under Sections 376D/417 of the Indian Penal Code;
And

In Re : Mishuk Sk. @ Nur Alam

.... petitioner

Mr. Mrityunjoy Chatterjee,

Md. G.N. Imrohifor the petitioner

Mr. N.P. Agarwala,

Ms. Subhasree Patel for the State

The learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. No overt act has been attributed to the petitioner. The principal accused has already been granted bail. In view thereof custodial detention of the petitioner is not necessary.

Learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statement of the victim girl recorded under Section 164 of the Code of Criminal Procedure.

Having heard learned advocates and considering the materials in the case diary, the nature of allegations, the statement of the victim girl recorded under Section 164 of the Code of Criminal Procedure and the extent of complicity of the petitioner in the alleged offence, we are not inclined to release the petitioner on bail at this stage.

Accordingly, the application being C.R.M. 392 of 2021, is rejected.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)