

26.02.2021

Item No.28

Ct.No.28

Subha

rejected

C.R.M. 486 of 2021

(Via Video Conference)

In Re : An Application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

And

In the matter of : **Ehasan Islam @ Ehasan Ali @ Badam**
... Petitioner.

Mr. Bitasok Banerjee
Mr. Biswajit Mitra

... For the Petitioner.

Ms. Faria Hossain
Ms. Sonali Das

... For the State.

Apprehending arrest in connection with Nalhati Police Station Case No. 187 of 2020 dated 17-10-2020 under Sections 341/325/354/307/34 of the Indian Penal Code (G. R. Case No. 1051 of 2020), the present application has been filed.

Mr. Banerjee, learned advocate appearing for the petitioner submits that there was a village rivalry among the parties and the petitioner was falsely implicated. The alleged incident occurred on 11th June, 2020 and about four months thereafter, the complaint was registered on 17th October, 2020, on the basis of an order passed in an application filed under Section 156(3) of the Code of Criminal Procedure.

He further submits that no overt act has been attributed to the petitioner and in the said conspectus, custodial interrogation of the petitioner is not necessary.

Ms. Hossain, learned advocate appearing for the State draws the attention of this Court to the statement of the victim girl recorded under Section 164 of the Code of Criminal Procedure.

We have perused the materials in the case diary including the statement of the victim girl recorded under Section 164 of the Code of Criminal Procedure.

Considering the gravity of the offence, its ramifications and the extent of complicity of the petitioner in the alleged offence, we are of the opinion that the petitioner is not entitled to the privilege of anticipatory bail and as such, his prayer for anticipatory bail is rejected.

Accordingly, the application being CRM 486 of 2021 is dismissed.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)