

21.04.2021
Item No.240
Ct.No.28
subha
rejected

C.R.M. 941 of 2021
(Via Video Conference)

In Re : An Application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Manikchak Police Station No.32 of 2020 dated 21-01-2020 under Sections 448/354/323/379/376/506/34 of the Indian Penal Code (G. R. Case No. 378 of 2020).

And

In the matter of : **Sk. Kurban** ... Petitioner.

Mr. Amitabha Karmakar
Mr. Arup Kumar Bhowmick ... For the Petitioner.

Mr. Sandip Chakraborty ... For the State.

Apprehending arrest in connection with Manikchak Police Station Case No. 32 of 2020 dated 21-11-2020 under Sections 448/354/323/379/376/506/34 of the Indian Penal Code, the present application has been filed.

Mr. Karmakar, learned advocate appearing for the petitioner submits that the de facto complainant willingly entered into a relationship with the present petitioner. The said complainant is a married lady. The allegations levelled against the petitioner are absolutely unfounded.

In the said conspectus, custodial interrogation of the petitioner is not warranted in the facts and circumstances of the present case.

Mr. Chakraborty, learned advocate for the State opposes the prayer for anticipatory bail and draws our attention to the application under Section 156(3) of the Code filed by the de facto complainant as well as the statement of the de facto complainant as recorded under Section 164 of the Code.

We have heard the learned advocates and considered the materials on record. Prima facie, there are materials which disclose the involvement of the petitioner in the alleged offence. Furthermore, the investigation is still continuing and in the said conspectus, we are not inclined to exercise discretion in favour of the present petitioner and as such, prayer for anticipatory bail of the present petitioner is rejected.

With the above observations, the application being CRM 941 of 2021 is, thus, dismissed.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)