

25.05.2021
Court No.28
rpan /09

C.R.M. 979 of 2021
(Via Video Conference)

In Re:- An application for anticipatory bail under section 438
of the Code of Criminal Procedure;

And

In Re : **Ashraf Ali Khan @ Ashraf**
- Petitioner.

Mr. Jayanta Narayan Chatterjee,
Mr. Nazir Ahmed

... for the petitioner.

Mr. Saswata Gopal Mukherjee, Ld. P.P.,
Mr. Neguive Ahmed,
Ms. Faria Hossain

... for the State.

Apprehending arrest in connection with Kotulpur P.S. Case
No.96 of 2020 dated 09.10.2020 under Sections
498A/323/325/307 of the Indian Penal Code read with Sections
3/4 of the Dowry Prohibition Act, the petitioner has filed the
present application.

Mr. Chatterjee, learned advocate appearing for the petitioner
submits that the petitioner has been falsely implicated in an
alleged incident which occurred about seven years after his
marriage with the *de facto* complainant. The petitioner has two
children, who are presently residing with him. No overt act has
been attributed to the petitioner. Upon completion of investigation
charge sheet has also been submitted and in view thereof,
custodial detention/interrogation is not warranted.

Mr. Mukherjee, learned Public Prosecutor appearing for the State opposes the petitioner's prayer and draws our attention to the memo of evidence. He submits that in the injury report there is a specific observation that the injury '*as seen **Abrasion Injury in Left side of Neck***'. Let the memo of evidence, as produced, be kept on record.

Prima facie, the materials in the case diary indicate the involvement of the petitioner in the alleged offence. Considering the gravity of the offence and the nature of allegations, we are not inclined to exercise discretion in favour of the petitioner.

Accordingly, the application for anticipatory bail, being CRM 979 of 2021, is dismissed.

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

(Bibek Chaudhuri, J.)

(Tapabrata Chakraborty, J.)