

03.08.2021

Court No.28
Item No.349
(Rejected)

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&
As

CRM 1180 of 2021
(Via Video Conference)

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with Bongaon Women Police Station Case No. 20 of 2020 dated 07.03.2020 under Section 376 and 509 of the Indian Penal Code;

And

In the matter of : **Biswa @ Biswajit Sarkar**
...Petitioner

Mr. Mrinal Kanti Mukherjee
...For the Petitioner
Mr. Angshuman Chakraborty.
...For the State.

Apprehending arrest in connection with Bongaon Women Police Station Case No. 20 of 2020 dated 07.03.2020 under Section 376 and 509 of the Indian Penal Code, the petitioner has filed the instant application for anticipatory bail.

This is an application seeking anticipatory bail in connection with the aforementioned case. According to the petitioner, the allegations made in the First Information Report lodged belatedly are concocted and improbable. The petitioner has been implicated out of the enmity having no nexus to the commission of the alleged offence.

The State opposes the prayer for anticipatory bail and submits that the statement of the victim lady would reveal the complicity of the petitioner to the alleged offence, which is of serious nature.

After hearing the respective submissions and on perusal of the statement of the victim lady recorded under Section 164 of the Code of Criminal Procedure and also the other witnesses recorded under Section 161 of the Code of Criminal Procedure, we do not feel that the custodial interrogation of the petitioner is not necessary. Furthermore, the investigation is at the nebulous stage and, therefore, the prayer for anticipatory bail is rejected.

The application for anticipatory bail, being CRM 1180 of 2021 is thus **dismissed**.

(Harish Tandon, J)

(Bibek Chaudhuri, J.)