

05.08.2021

(Via Video Conference)

Court No.28
Item No.334
(REJECTED)

CRM 1888 of 2021

Ab

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed on 15.02.2021 in connection with Ashoknagar Police Station case No. 245 of 2018 dated 22.04.2018, under Sections 363/367 of the Indian Penal Code (G. R. Case no. 687 of 2018);

And

In the matter of : **Durga Sardar.**

...Petitioner

**Mr. Sumanta Chakraborty,
Mr. Sukanta Chakraborty.**

...For the Petitioner

**Mr. Bidyut Kumar Roy,
Mr. Md. M. F. Begg,
Ms. Rita Datta.**

... For the State

The Advocate-on-record of the petitioner undertakes to affirm and stamp the petition/application as per the Rules within four weeks from date. Subject to such undertaking, the application is taken up for hearing.

Apprehending arrest in connection with Ashoknagar Police Station case No. 245 of 2018 under Sections 363/367 of the Indian Penal Code, the petitioner has filed the instant application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

Learned Advocate for the petitioner submits that the petitioner has been falsely implicated in connection with the aforementioned case and the police is intending to apprehend the petitioner. It is further submitted that there is no incriminating material found against the petitioner in the investigation, which would be evident from the charge-sheet having filed before the court below.

The State relies upon the statement of the minor victim girl and submits that there is a direct allegation against the petitioner and, therefore, prayer for anticipatory bail should be refused.

Upon hearing the respective Counsels and on perusal of materials on record including the statement of the minor victim girl recorded under Section 164 of the Code of Criminal Procedure, prima facie, we find the complicity of the petitioner to the alleged offence and, therefore, custodial interrogation of the petitioner is necessary.

CRM 1888 of 2021 is, thus, ***rejected.***

(Harish Tandon, J)

(Bibek Chaudhuri, J.)