

12.08.2021

(Via Video Conference)

Court No.28
Item No.302
(REJECTED)

CRM 2040 of 2021

Ab

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed on 22.02.2021 in connection with Chanchal Police Station case No. 1120 of 2020 dated 30.11.2020, under Sections 448/376D of the Indian Penal Code;

And

In the matter of : **Iliash Ali @ Md. Eliash Ali.**

...Petitioner

Mr. Manas Kumar Das.

...For the Petitioner

**Mr. Rana Mukherjee,
Mr. N. P. Agarwala,
Mr. Ashok Das.**

... 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 Chanchal Police Station case No. 1120 of 2020 under Sections 448/376D of the Indian Penal Code, the petitioner has filed the instant application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

According to the learned Advocate for the petitioner, there is an ongoing dispute over the properties and a civil suit is pending in the Court of learned Civil Judge (Senior Division), Chanchal, Malda.

The present case has been initiated to inflict pressure upon the petitioner so that the property dispute can be resolved in favour of the defacto complainant.

We had an occasion to peruse the statement of the victim lady recorded under Section 164 of the Code of Criminal Procedure

disclosing prima facie material against the petitioner.

In view of the said statement, we do not find that ongoing civil dispute has any bearing in the instant case.

CRM 2040 of 2021 is, thus, ***rejected***.

(Harish Tandon, J)

(Bibek Chaudhuri, J.)