

CRM No.5225 of 2021

Via video conference

07.12.21

(S.R.)

Sl.191

Ct.32

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Chanchal** Police Station Case No.466 of 2021 dated 18/06/2021 under Sections 376/506 of the Indian Penal Code;

And

In re: Md. Jewel @ Jewel

... petitioner.

Ms. Minoti Gomes

... for the petitioner.

Ms. Faria Hossain

Ms. Baisali Basu

...for the State.

Ms. Gomes, learned lawyer for the petitioner submitted that it is a case of consensual relationship. The victim lady had given consent to the alleged incident and subsequently when they were caught by local people, the victim lady lodged the instant complaint. Accordingly, she prays for anticipatory bail.

Per contra, Ms. Basu, learned lawyer representing the State, submitted that there are strong incriminating elements against the present petitioner, as it appears from the statement of the victim lady and the medical report. Accordingly, she strongly opposes the grant of petitioner's anticipatory bail.

We have perused the case diary and heard rival submissions. Investigation is still pending, as we have been told. The materials on record, particularly, the statement of the victim lady contains incriminating elements indicting the present petitioner, *prima facie*.

Therefore, at this stage, when the investigation is still pending, we are not inclined to allow the anticipatory bail considering the nature of allegations and incriminating materials and the same, accordingly, stands rejected.

The application for anticipatory bail being CRM No.5225 of 2021 is dismissed.

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

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)