

16.12.2021
Item no.260
Court No.32
Avijit Mitra

C.R.M.7394 of 2021

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

And

In Re : Rakibul Hoque

.... petitioner

Mr. Jisan Iqbal Hossain

....for the petitioner

Ms. Faria Hossain,

Ms. Baisali Basu

..... for the State

Apprehending arrest in connection with Domkal Police Station Case No.131 of 2021 dated 22.03.2021 under Sections 363/365/34 of the Indian Penal Code and adding section 376 of the Indian Penal Code and section 4 of the Protection of Children from Sexual Offences Act, the present application is filed praying for anticipatory bail.

Learned lawyer for petitioner Mr. Hossain, submitted that similarly situated co-accused was granted anticipatory bail by the learned Sessions Judge-in-Charge, Murshidabad. The present petitioner is also similarly situated. Chargesheet has been filed. Therefore, custodial interrogation is not necessary. Accordingly, he prays for anticipatory bail.

Per contra, learned lawyer for the State Ms. Basu, submitted that strong incriminating elements are there against the present petitioner in the case diary. Inviting our attention to the statement of the victim recorded under Section 164 of the

Code she submitted that there is direct complicity of the present petitioner in the alleged crime.

We have heard rival submissions and perused the case diary. The allegations are very grave and serious and existing materials in the case diary show direct complicity of the present petitioner in the alleged crime. We are not inclined to pass any comment in respect of the order passed by the learned Sessions Judge-in-Charge, Murshidabad but we are to say that the said order is not binding on this court in any manner.

Considering the extent of incriminating elements, seriousness of allegations and materials showing direct complicity in the crime, we are not inclined to exercise any discretion in his favour and the same stands rejected.

Accordingly, the application for anticipatory bail being C.R.M. No.7394 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.)