

CRM 7545 of 2021
(via video conference)

Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

In the matter of : **Swapna Biswas**

..... petitioner

Mr. Priyankar Ganguly

.....For the petitioner

Ms. Anasuya Sinha

Mr. Pinak Kumar Mitra

.....For the State

Apprehending arrest in connection with Gaighata Police Station Case No. 808 of 2018 dated 11.08.2018 under Sections 363/365 of the Indian Penal Code, the present application has been preferred.

The learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated in the dispute. The allegations are omnibus in nature and no overt act has been attributed to the petitioner, who is a lady. Upon completion of investigation, charge sheet has also been submitted and there is also no likelihood that the petitioner would flee from justice or would delay the trial by abscondence and in the said conspectus, custodial interrogation is not warranted.

The learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statement of the victim lady, who was about 13 years old on the date of the alleged incident. She further submits that the offence is grave and serious and the materials on record exhibit direct nexus of the petitioner with the alleged offence.

Heard the learned advocates appearing for the respective parties and perused the materials in the case diary.

Prima facie, there are strong incriminating materials against the petitioner. Considering the nature of allegations, the seriousness of the offence and the extent of complicity of the petitioner, we are not inclined to exercise discretion in her favour and as such, her prayer for anticipatory bail is refused.

The application CRM 7545 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.)