

11.03.2021
Item no.30
Court No.28
Avijit Mitra

C.R.M. 10887 of 2020 (through video conference)

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with Tarapith Police Station Case No.74 of 2020 dated 10.12.2020 under Sections 448/354/354B/506 of the Indian Penal Code;

And

In Re : Manowar Chowdhury @ Manuar Chowdhury

.... Petitioner

Mr. Sekhar Kumar Basu, Sr. Adv.,
Mr. Bitasok Banerjee,
Ms. Biswajit Mitra

...for the petitioner

Mr. Saswata Gopal Mukherjee, Ld. P.P.,
Mr. Shiladitya Banerjee

...for the State

Mr. Basu, learned senior advocate appearing for the petitioner submits that the petitioner has been falsely implicated in the instant case on the basis of a complaint lodged by the mother of the victim. Additionally he submits that the petitioner has been politically victimised and at every stage the complainant and the victim lady improved the case so as to implicate the petitioner. He submits that after a considerable period of time additional sections were incorporated in the F.I.R.

Mr. Mukherjee, learned Public Prosecutor appearing for the State draws the attention of this Court to the statement of the victim recorded under Section 164 of the Code of Criminal Procedure and the statement of other witnesses. He also submits that the provision of Section

41A of the Code of Criminal Procedure has not been complied by the present petitioner.

We have perused the contentions both in the F.I.R. which were within a day after the incident has taken place and also the statement of the victim. Having regard to the nature of the allegations and the political background of the present petitioner as has been described both in the complaint and the statement of the victim under Section 164 of the Code of Criminal Procedure as well as his role in the commission of the alleged offence, we are of the opinion that this is not a fit case to grant anticipatory bail to the petitioner and as such, the prayer for anticipatory bail is rejected.

Accordingly, the application being C.R.M. No.10887 of 2020 is dismissed.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)