

15.02.2021
SL No.17
Ct. No.1.
S.D.

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI
(Through Video Conference)
C.R.M. 179 of 2021**

An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on **25/01/2021** in connection with **Cooch Behar Sadar Women Police Station Case No. 116 of 2020** dated **21.12.2020** under Section **448/376/506** of the Indian Penal Code.

And

In the matter of: **Kamal Roy**

.....Petitioner.

Md. Sabir Ahmed
Mr. Hillol Saha Podder

...for the Petitioners.

Mr. Nilay Chakraborty
Ms. Namrata Das

...for the State

The petitioner is apprehending arrest in connection with Cooch Behar Sadar Women Police Station Case No. 116 of 2020 dated 21.12.2020 for the alleged offence under Section 448/376/506 of the IPC corresponding to G.R. Case No. 1138 of 2020 pending in the Court of learned Chief Judicial Magistrate, Cooch Behar.

It is submitted on behalf of the petitioner that FIR has been lodged at a belated stage as the delay was of 11 days from the date of occurrence. It is submitted that there is a boundary dispute by and between the neighbours and that of the accused house, the petitioner has been falsely implicated in the case.

We have also heard the learned Advocate for the State who placed before us the Case Diary and the materials placed therein particularly the FIR at page 2 and material statement at page 12 of a neighboring witness who rushed to the place of occurrence on hearing cry of the victim lady.

Having regard to the statement so made by the victim lady in her complaint so also the statement under Section 164 Cr.P.C. and further statement of the witnesses, the prayer for anticipatory bail is considered and rejected.

Thus, CRM 179 of 2021 is disposed of.

(Hiranmay Bhattacharyya, J.)

(Shivakant Prasad, J.)