

01.10.2021
Court No.01
Item No. 03
Rejected
Krishnendu

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

**C.R.M. 241 of 2021
With
C.R.A.N. 1 of 2021
(Via Video Conference)**

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

And

In Re : **Phajalul Haq @ Fajlul Haque @ Fajrul Haque**

Petitioner

Mr. Sabir Ahmed

Mr. Hillol Saha Podder

For the Petitioner

Mr. Ujjwal Luksom

Ms. Namrata Das

For the State

Apprehending arrest in connection with Pundibari Police Station

Case No. 444 of 2020 dated 05.11.2020 under section 376D of the

Indian Penal Code, 1860, the petitioner has filed the present
application.

Mr. Ahmed, learned advocate appearing for the petitioner
submits that the petitioner has been falsely implicated. The petitioner
is the uncle of the victim's husband. He is about 60 years of age. The

victim lady left her matrimonial house on 15th October, 2020 and the complaint was lodged about a month thereafter. It had been alleged that the victim lady was being tortured by the petitioner and another accused person for about six months. However, he did not lodge any complaint at the said juncture. In the said conspectus, custodial interrogation of the petitioner is not necessary, more so when, there is no likelihood that he would flee from justice.

Mr. Luksom, learned advocate appearing for the State, opposes the petitioner's prayer and draws our attention to the statement of the victim lady, as recorded under section 164 of the Code of Criminal Procedure. He submits that the alleged delay in lodging the F.I.R. has been explained and the investigation is still continuing. In view thereof, he is not entitled to the relief, as prayed for.

Having heard the learned advocates appearing for the respective parties and considering the materials in the case diary, including the statement of the victim lady, as recorded under section 164 of the Code of Criminal Procedure, the gravity of the offence and the extent of complicity of the petitioner in the alleged offence, we are not

inclined to exercise any discretion in his favour. Accordingly, the prayer for anticipatory bail is refused.

The application for anticipatory bail, being C.R.M. No. 241 of 2021 and the connected application, being C.R.A.N. 1 of 2021, are dismissed.

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

(Abhijit Gangopadhyay, J)

(Tapabrata Chakraborty, J)