

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

21.09.2021
Court No.01
Item No.35
Avijit Mitra

**CRM 282 of 2021
(Via video Conference)**

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

And

In Re: Faruk Ahamed @ Faruque Ahmed

...Petitioner

Mr. Sudip Guha

...For the Petitioner

Mr. Abhijit Sarkar,
Ms. Namrata Das

...For the State

Apprehending arrest in connection with New Jalpaiguri Police Station Case No.80 of 2021 dated 28.01.2021 under sections 417/376(2)(n)/379 of the Indian Penal Code, the present application has been preferred.

Mr. Guha, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. The victim lady is married. The alleged incident occurred on 26th January, 2021, however, the complaint was lodged on 28th January, 2021 at the insistence of her husband. The allegations levelled against the petitioner are in the abstract. In the said conspectus, custodial interrogation of the petitioner is not warranted.

Mr. Sarkar, learned advocate appearing for the State opposes the petitioner's prayer and submits that investigation is still in progress. He has also drawn our attention to the contents of the complaint and the statement of the victim lady as recorded under Section 164 of the Code.

Having heard the learned advocates appearing for the respective parties and considering the materials in the case diary, the nature of accusations, the gravity of the offence and the extent of the complicity of the petitioner, we are not inclined to exercise any discretion in his favour and as such his prayer is refused.

Accordingly, the application being C.R.M. No.282 of 2021 is 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.)