

23.09.2021

Court No.01
rpan / **10**

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

C.R.M. 538 of 2021

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

and

In Re : **Abu Motalep @ Md. Abumotalep @ Abu Taleb**
- Petitioner.

Mr. Sudip Guha

... for the petitioner.

Mr. Tapan Bhattacharjee,

Mr. Aniruddha Biswas

... for the State.

Apprehending arrest in connection with Dhupguri Police
Station Case No.436 of 2020 dated 14.11.2020 under Sections
363/365 of the Indian Penal Code, 1860, the petitioner has filed
the present application.

The learned advocate appearing for the petitioner submits
that the petitioner has been falsely implicated. No overt act has
been attributed to the petitioner. The allegations levelled against
the petitioner are absolutely unfounded and in view thereof,
custodial interrogation is not necessary.

The Learned advocate appearing for the State opposes the
petitioner's prayer and draws our attention to the statement of the
victim girl, who happens to be a minor, as recorded under Section
164 of the Code.

Having heard the learned advocates and considering the
materials in the case diary, including the statement of the victim
girl as recorded under Section 164 of the Code, 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 favour of the petitioner, more so when investigation is still continuing. As such, his prayer for anticipatory bail is refused.

Accordingly, the application for anticipatory bail, being CRM 538 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.)