

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

23.09.2021
Court No.01
Item No.14
Avijit Mitra

CRM 544 of 2021

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

And

In Re: Biswajit Barman @ Biswa

...Petitioner

Mr. Subhasish Ghosh

...For the Petitioner

Mr. Saikat Chatterjee,
Ms. Namrata Das

...For the State

Apprehending arrest in connection with Pundibari Police Station Case No.125 of 2021 dated 13.03.2021 under sections 376/511 of the Indian Penal Code, the present application has been preferred.

Mr.Ghosh, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. The allegations levelled against him are unfounded and that there is no likelihood that the petitioner would flee from justice and in view thereof, custodial interrogation of the petitioner is not necessary.

Mr. Chatterjee, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to several documents in the case diary, including 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 including the statement of the victim lady, as recorded under

Section 164 of the Code, the gravity of the offence and the extent of the complicity of the petitioner in the alleged offence, 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.544 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.)