

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

23.09.2021

Court No.01
rpan / **26**

C.R.M. 572 of 2021

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

and

In Re : **Saddam Md @ Saddam Hossain @
Saddam Mahammad @ Kaltu**
...Petitioner.

Mr. Partha Pratim Sarkar
... for the petitioner.
Mr. Arun Kumar Sarkar,
Ms. Namrata Das
... for the State.

Apprehending arrest in connection with Haldibari Police
Station Case No.52 of 2021 dated 18.03.2021 under Section 376
of the Indian Penal Code, 1860, the petitioner has preferred the
present application.

The learned advocate appearing for the petitioner submits
that the alleged incident occurred on 16th March, 2021, the
complainant was drafted on 17th March, 2021 and the same was
registered on 18th March, 2021. *De facto* complainant recorded
her 164 statement on 19th March, 2021. There is no plausible
explanation of the delay which occurred. The petitioner has been
falsely implicated and the allegations levelled against him are
unfounded. In the said conspectus, his custodial interrogation is
not necessary.

The learned advocate appearing for the State opposes the
petitioner's prayer and draws our attention to the several
documents in the case diary.

Having heard the learned advocates and considering the materials in the case diary, the medical report, the statement of the *de facto* complainant, 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 his favour. As such, his prayer for anticipatory bail is refused.

Accordingly, the application for anticipatory bail, being CRM 572 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.)