

15.07.2021

Court No.28
Item No.07
(Rejected)

akd
&
as

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT**

JALPAIGURI

(Via Video Conference)

CRM 665 of 2021

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with Dhupguri Police Station Case No. 38 of 2021, dated 25.01.2021 under Sections 498A/376/509/34 of the Indian Penal Code (G.R. Case No. 373 of 2021);

And

In the matter of : **Bappa Sarkar & Anr.**

...Petitioners

Mr. Jaydeep Kanta Bhowmik.

...For the Petitioners

**Mr. Ujjwal Luksom,
Mr. Tapan Bhattacharjee.**

...For the State.

Apprehending arrest in connection with Dhupguri Police Station Case No. 38 of 2021 under Sections 498A/376/509/34 of the Indian Penal Code, the petitioners have filed the instant application for anticipatory bail.

Petitioner no. 1 is the husband and the petitioner no. 2 is the brother-in-law of the victim lady. The case has been initiated against the petitioners alleging rape by the petitioner no. 2 and physical assault and cruelty by the petitioner no. 1. According to the petitioners, they have been falsely implicated, as there was matrimonial discord and apprehending arrest the instant application for anticipatory bail has been filed.

Learned Advocate for the State opposes the prayer for anticipatory bail and relies upon the statement of the victim lady recorded under Section 164 of the Code of Criminal Procedure.

After hearing the respective submissions and on perusal of the statement of the victim lady recorded under Section 164 of the Code of Criminal Procedure, we do not think that it is a fit case where the petitioners are entitled to immunity from arrest. The custodial interrogation is necessary.

The prayer for anticipatory bail of the petitioners is rejected.

The application for anticipatory bail being CRM 665 of 2021 is thus **dismissed**.

(Harish Tandon, J.)

(Subhasis Dasgupta, J.)