

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

23.09.2021
Court No.01
Item No.33
Avijit Mitra

CRM 735 of 2021

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

And

In Re: Rahaman Ali & anr.

...Petitioners

Mr. Debajit Kundu

...For the Petitioners

Mr. Arun Kumar Sarkar,
Mr. Biswarup Roy

...For the State

Apprehending arrest in connection with Malbazar Police Station Case No.251 of 2021 dated 18.05.2021 under sections 448/376D of the Indian Penal Code, the present application has been preferred.

Mr. Kundu, learned advocate appearing for the petitioners submits that the petitioners have been falsely implicated. It would be explicit from the complaint that the victim was previously ravished in the month of October, 2020. However, no complaint was lodged by the *defacto complainant* at the said juncture. It is only with the intent to heckle the petitioner a new story had been cooked up. The allegations against the petitioners are absolutely unfounded. There is also no likelihood that the petitioners would delay the trial by abscondence. In the said conspectus, custodial interrogation of the petitioner is not warranted.

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

including the statements of the victim lady and her daughter, 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 gravity of the offence, the statements of the victim lady and her daughter, as recorded under Section 164 of the Code and the extent of complicity of the petitioners in the alleged offence, we are not inclined to exercise any discretion in their favour and as such, their prayer is refused.

Accordingly, the application being C.R.M. No.735 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.)