

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

24.09.2021
Court No.01
Item No.26
Avijit Mitra

CRM 896 of 2021

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

And

In Re: Kasem Md.

...Petitioner

Mr. Sudip Guha

...For the Petitioner

Ms. Namrata Das

...For the State

Apprehending arrest in connection with Malbazar Police Station Case No.207 of 2021 dated 29.04.2021 under sections 417/323/376 of the Indian Penal Code, the present application has been preferred.

Mr. Guha, learned advocate appearing for the petitioner submits that the petitioner is a resident of Kerala. He has been falsely implicated in the present case after he returned from Kerala on 20th April, 2021. The allegations levelled against him are absolutely unfounded and he had been roped in merely on the basis of suspicion. He further submits that the victim is a married lady. The other co-accused persons have already been granted anticipatory bail by the learned Court below. In the said conspectus, custodial interrogation is not warranted.

Ms. Das, learned advocate appearing for the State submits that the victim is an abandoned woman and she has been ravished by the petitioner. There are incriminating materials against the petitioner and in support of such contention she has drawn our

attention to the statements of the witnesses, as recorded under Section 161 of the Code and the materials in the case diary. She further submits that investigation is still in progress and custodial interrogation of the petitioner is necessary.

Having heard the learned advocates appearing for the respective parties and considering the materials in the case diary, 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 and as such, his prayer is refused.

Accordingly, the application being C.R.M. No.896 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.)