

CRM (A) 8 of 2022
(via video conference)

Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

In the matter of : **Sakir Hossain @ Sakir Hossain Mandal**
..... petitioner

Mr. Tapodip Gupta

.....For the petitioner

Mr. Shiladitya Banerjee

.....For the State

Apprehending arrest in connection with Domkal Police Station Case No. 686/2019 dated 10.09.2019 under Sections 448/376 of the Indian Penal Code, the present application has been preferred.

Mr. Gupta, learned advocate appearing for the petitioner submits that the petitioner is the brother-in-law of the victim lady. He had been falsely implicated. The complaint had been lodged about 33 days after the alleged incident. The age of the petitioner is 21 years whereas the age of the victim lady is 24 years. The allegations levelled against the petitioner are unfounded and in the said conspectus, he may be granted anticipatory bail on any stringent condition.

Mr. Banerjee, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statements of the witnesses including the statement of the victim lady, as recorded under Section 164 of the Code.

He further submits that raid was conducted, but the petitioner could not be arrested.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

Prima facie, there are incriminating materials against the petitioner. Considering the gravity of the offence, the conduct of the petitioner and the possible extent of his complicity in the alleged offence, we are not inclined to exercise any discretion in favour of the petitioner. As such, the petitioner's prayer is refused.

The application being CRM (A) 8 of 2022 is, accordingly, dismissed.

All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)