

04.02.2022
Item no. 15
Court No.32
Avijit Mitra

C.R.M.(A) 79 of 2022

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

And

In Re : Samiul Momin

.... petitioner

Mr. Kallol Mondal,
Mr. Musharraf Alam Sk.

....for the petitioner

Mr. Shiladitya Banerjee

..... for the State

Apprehending arrest in connection with Manickchak Police Station Case No.314 of 2021 dated 25.08.2021 under Sections 498A/323/325/307/313/34 of the Indian Penal Code read with Sections 3/4 of D.P. Act, the present application has been preferred.

Mr. Mondal, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated in the alleged incident which occurred about 2 ½ years after the marriage. The allegations levelled are unfounded and in the said conspectus, custodial interrogation may not be necessary and the petitioner may be granted anticipatory bail on any stringent condition.

The learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statement of the witnesses and the medical report.

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

Prima facie, there are strong incriminating materials on record against the petitioner, who is the husband of the victim. Considering the gravity of the offence, the nature of accusations and the possible extent of complicity of the petitioner in the alleged offence, we are not inclined to exercise any discretion in his favour and his prayer for anticipatory bail is refused more so when, the investigation is still continuing.

The application for anticipatory bail being C.R.M.(A) 79 of 2022 is 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.)