

04.02.2022
Item no. 37
Court No.32
Avijit Mitra

C.R.M.(A) 163 of 2022

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

And

In Re : Dulal Biswas

.... petitioner

Mr. Kallol Mondal,
Mr. Krishan Roy,
Mr. Subir Debnath,
Ms. Roma Roy

....for the petitioner

Ms. Faria Hossain,
Ms. Sonali Das

..... for the State

Apprehending arrest in connection with Santipur Police Station Case No.857 of 2021 dated 17.10.2021 under Sections 498A/302/304B/34 of the Indian Penal Code, the present application has been preferred.

Mr. Mondal, learned advocate appearing for the petitioner submits that the petitioner is the elder brother-in-law of the victim lady and he had been falsely implicated in an alleged incident which occurred about 2 years after the marriage. No specific overt act has been attributed to the petitioner. The petitioner resides at a separate mess along with his wife and minor daughter. Upon completion of investigation chargesheet has also been submitted and as such custodial interrogation may not be necessary.

Ms. Das, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the

statement of the witnesses as recorded under Sections 161 and 164 of the Code and the *post-mortem* report.

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

Prima facie, we find strong incriminating materials on record against the petitioner. Considering the magnitude of the offence, its ramification 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, prayer for anticipatory bail is refused.

The application for anticipatory bail being C.R.M.(A) 163 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.)