

22.02.2022

Court No.32
rpan / 12

CRM (A) 233 of 2022

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

And

In Re.: **Chaidul Molla @ Sahidur Molla @ Mollah**

- Petitioner

Mr. Kaushik Chaudhury,
Ms. Bursa Khatun
... for the Petitioner.
Ms. Faria Hossain
Mr. Baisali Basu
... for the State.

Apprehending arrest in connection with Gazole Police Station Case No.879 of 2021 dated 18.11.2021 under Sections 417/376/313 of the Indian Penal Code, 1860, the petitioner has filed the present application.

Mr. Chaudhury, learned advocate appearing for the petitioner submits that there was a consensual relationship between the petitioner and the victim for about four years. The victim, being an adult lady, was aware of the consequences of such relationship. The petitioner has been falsely implicated. The allegations levelled against him are unfounded. The ingredients of Section 313, IPC are not attracted against him. In the said conspectus, custodial interrogation may not be necessary.

Ms. Basu, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statement of the victim lady as recorded under Section 164 of the Code as well as the injury report.

Heard the learned advocates and considered the materials in the case diary.

Prima facie, we find strong incriminating materials on record against the petitioner. Considering the seriousness of the offence, its ramifications and the extent of his complicity in the alleged offence, we are not inclined to exercise any discretion in his favour, more so when investigation is still continuing. As such, his prayer for anticipatory bail is refused.

The application for anticipatory bail, being CRM (A) 233 of 2022 is, thus, 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.)