

CRM(A) No.253 of 2022

Via video conference

22.02.22

(S.R.)

Sl.15

Ct.32

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Pukhuria** Police Station Case No.121 of 2021 dated 29/03/2021 under Sections 417/376/323/307/34 of the Indian Penal Code;

And

In re: Tarikul Islam

... petitioner.

Mr. Soupal Chatterjee

Ms. S. Chatterjee

... for the petitioner.

Mr. Sujan Chatterjee

...for the State.

Mr. Chatterjee, learned lawyer appearing for the petitioner submitted that the present petitioner is falsely implicated in this Case. Although, as alleged, the victim was administered poison by the present petitioner, it is only after three days thereafter that she went to the residence of the present petitioner at his request. It sounds implausible and belies the veracity of the whole allegations. It is further submitted that custodial interrogation is not necessary. Anticipatory bail is, accordingly, prayed for on any stringent condition.

Mr. Chatterjee, learned lawyer appearing for the State submitted that strong incriminating elements are there against the present petitioner. In fact, there are twofold allegations in this case. One is attempt to murder and the another is rape. Inviting our attention to the statement of victim recorded under Section 164 of the Code, medical report dated 23rd March, 2021 and other documents, he strongly opposed the anticipatory bail, as strong incriminating elements are there against the present petitioner and investigation is still pending.

We have heard rival submissions and perused the case diary. The statement of the victim as well as the medical report dated 23rd

March, 2021 carries strong incriminating elements against the present petitioner. Materials are there in the record, *prima facie*, to corroborate the allegations. Statements of the witnesses and medical reports contain strong incriminating elements against the present petitioner. Since, investigation is pending and the allegations are grave and very serious, we are not inclined to allow anticipatory bail to the present petitioner and the same stands rejected.

The application for anticipatory bail being CRM(A) No.253 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.)