

CRM (A) 284 of 2022
(via video conference)

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

In the matter of : **Mostafa @ Md. Mostafa**

..... petitioner

Mr. Kaustav Bagchi
Mr. Arup Sarkar

.....For the petitioner

Mr. Tanmay Kr. Ghosh
Ms. Sonali Bhar

.....For the State

Apprehending arrest in connection with Chanchal Police Station Case No. 1100 of 2020 dated 26.11.2020 under Sections 493/497/323/307/379/34 of the Indian Penal Code, the present application has been preferred.

Mr. Bagchi, learned advocate appearing for the petitioner submits that the alleged complaint has been lodged about 145 days after the alleged incident. There is no explanation as regards such delay. The petitioner has been falsely implicated and in the said conspectus, custodial interrogation may not be necessary.

Mr. Ghosh, 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 and other materials in the case diary. He further submits that the victim is a handicapped lady and there are incriminating materials on record against the petitioner.

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 nature of accusations and the extent of complicity of the petitioner in the alleged offence, we are not inclined to exercise any discretion in his favour more so when investigation is not yet complete and as such, his prayer for anticipatory bail is refused.

The application being CRM (A) 284 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.)