

24.02.2022
Item no.10
Court No.32
Avijit Mitra

C.R.M.(A) No. 325 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with Tamluk Police Station Case No.649 of 2019 dated 22.10.2019 under Sections 420/406 of the Indian Penal Code;

And

In Re : Chandana Patra alias Chandana Barman

.... petitioner

Mr. Angshuman Chakraborty,

Mr. Shashanka Sekhar Saha

....for the petitioner

Mr. Rudradipta Nandy

.... for the State

Mr. Pinak Kumar Mitra

...for the *de facto* complainant

Mr. Chakraborty, learned lawyer appearing for the petitioner submitted that the petitioner is an Advocate. The petitioner has been falsely implicated in this case in consequence of previous enmity with the *de facto* complainant. The petitioner herself lodged a complaint against the *de facto* complainant alleging extortion and others. There is no justification, in view of false allegations, to detain the petitioner in the custody for custodial interrogation as the petitioner is a lady. Accordingly, he prays for anticipatory bail on any stringent condition.

Per contra, Mr. Nandy, learned advocate appearing for the State invited our attention to the statement of witnesses recorded under Sections 161 and 164 of the Code of Criminal Procedure contained in the case diary on the strength of which he submitted that strong incriminating elements are there against the present petitioner and the same discloses

commission of a very serious crime in which the present petitioner took an active part.

Mr. Nandy further submits that investigation is still pending. Therefore, anticipatory bail application is strongly opposed to.

Mr. Mitra, learned advocate enters appearance on behalf of the *de facto* complainant and opposed anticipatory bail.

We have heard rival submissions and perused the case diary. The allegation is serious. Although Mr. Chakraborty alleged that the present application is a counter-blast of mutual animosity between the parties, it appears that the allegation made by the present petitioner is subsequent to the original and the present allegation. Statement of the witnesses discloses overt act attributable to the present petitioner in the commission of the alleged offence. Since investigation is still going on and the allegations are public in nature, we are not inclined to exercise any discretion in favour of the petitioner and the anticipatory bail application is refused, at this stage.

Accordingly, the application for anticipatory bail being C.R.M.(A) No.325 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.)

