

01.03.2022

Court No.32
rpan / 15

CRM (A) 386 of 2022

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

And

In Re.: **Prasenjit Samanta**

- Petitioner

Mr. Suman De

... for the Petitioner.

Mr. Saswata Gopal Mukherjee, Ld. P.P.,

Mr. Partha Pratim Das,

Ms. Manasi Roy

... for the State.

Apprehending arrest in connection with Nandakumar Police Station Case No.524 of 2021 dated 03.12.2021 under Sections 376(2)(n)/380/506 of the Indian Penal Code, 1860, the petitioner has filed the present application.

Mr. De, learned advocate appearing for the petitioner submits that the *de facto* complainant is an accused in a complaint lodged by Dipankar Das and Gajendra Mahapatra registered under Section 306 of the Indian Penal Code. She is a married lady. The petitioner is the landlord of the victim lady and he has been falsely implicated. The complaint was lodged about a month after the alleged incident. Such delay has also not been explained. In the said conspectus, custodial interrogation of the petitioner is not necessary.

Mr. Das, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statements of the witnesses as recorded under Section 161 of the Code,

including that of the son of the *de facto* complainant, who is a student of class – VIII.

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

Prima facie, there is no inconsistency in the statements of the witnesses. Considering the gravity of the offence, the nature of accusations and the possible extent of complicity of the petitioner in the alleged offence, we are not inclined to exercise any discretion in his favour. As such, his prayer for anticipatory bail is refused.

The application for anticipatory bail, being CRM (A) 386 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.)