

01.03.2022

Item no.21

Court No.32

ss

C.R.M.(A) 397 of 2022

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

And

In Re : Saheb Ali

.... Petitioner

Mr. Pronojit Roy
Mr. Sudip Ghosh

....for the petitioner

Mr. Prasun Kumar Datta
Mr. Subrata Roy

..... for the State

Apprehending arrest in connection with Raiganj Women Police Station Case No. 148 of 2021 dated 13.08.2021 under Sections 493/376/417/506/109 of the Indian Penal Code, the present application has been preferred.

Mr. Roy, learned advocate appearing for the petitioner submits that there was a love relation between the petitioner and the victim lady, who is an adult woman. Both of them were aware of the consequences of such relationship. Such relationship was not actuate with dishonest intention from the inception. In the said conspectus, custodial interrogation of the petitioner may not be necessary. Upon completion of investigation, charge-sheet has also been submitted.

Mr. Prasun Kumar Datta, learned Additional Public Prosecutor appearing for the State opposes the petitioner's prayer and draws our attention to the statements of the victim

lady, as recorded under Sections 161 and 164 of the Code as well as the injury report.

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

Prima facie, a specific overt act has been attributed to the petitioner and the ingredients of Section 376 are attracted against him. Considering the seriousness of the offence and the extent of complicity of the petitioner in the alleged offence, we are not inclined to exercise any discretion in favour of the petitioner. As such, his prayer for anticipatory bail is refused.

Accordingly, the application for anticipatory bail being C.R.M. (A) 397 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.)