

CRM(A) No.411 of 2022

Via video conference

01.03.22

(S.R.)

Sl.26

Ct.32

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Chakdah** Police Station Case No.50 of 2022 dated 17/01/2022 under Sections 448/323/376/506/34 of the Indian Penal Code;

And

In re: Biswajit Mandal @ Nirmal Mandal

... petitioner.

Mr. Shibaji Kumar Das

... for the petitioner.

Mr. Narayan Prasad Agarwala

Mr. Pratick Bose

...for the State.

Mr. Das, learned advocate appearing for the petitioner submits that there was a consensual relationship between the petitioner and the *de facto* complainant. Both are adult and were aware of the consequences of such relationship. In the said conspectus, custodial interrogation may not be necessary.

Mr. Bose, learned advocate 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.

He further submits that the petitioner's father and brother surrendered before the learned Court below and obtained regular bail.

Having heard the learned advocates and considering the materials in the case diary, including the statements of the victim lady, the nature of accusations and the extent of complicity of the petitioner in the alleged offence, we are not inclined to exercise discretion in his favour. As such, his prayer for anticipatory bail is refused.

The application for anticipatory bail being CRM(A) No.411 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.)