

CRM No.6318 of 2021

Via video conference

13.01.22

(S.R.)
Sl.292
Ct.32

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Bhutni** Police Station Case No.130 of 2021 dated 19/08/2021 under Sections 448/417/376 of the Indian Penal Code (G.R. Case No.4392 of 2021);

And

In re: Bapi Ghosh

... petitioner.

Mr. Sekhar Kumar Basu, Ld. Sr. Adv.

Mr. Sourav Mukherjee

...for the petitioner.

Mr. Debabrata Chatterjee, Ld. Addl. P.P.

Mrs. Manashi Roy

... for the State.

Mr. Basu, learned senior advocate appearing for the petitioner submits that the petitioner has been falsely implicated. There was a love relationship between the parties. The victim lady is an adult and her relationship with the petitioner was consensual in nature. The complaint had been lodged about 10 days after the alleged incident and as such, the possibility of exaggerated account of the incident cannot be ruled out. In the said conspectus, custodial interrogation is not warranted.

Mr. Chatterjee, 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, medical report and several other documents in the case diary. He further submits that investigation is still in progress and the victim lady had also been threatened by the petitioner and to that effect a complaint was also lodged by the victim lady, which was registered as FIR No.161 of 2021, dated 23rd September, 2021.

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

of the victim lady, as recorded under Section 164 of the Code.

Prima facie, we find strong incriminating materials against the petitioner. 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 his favour, more so when investigation is not yet complete.

The application for anticipatory bail being CRM No.6318 of 2021 is, accordingly, dismissed.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Md. Nizamuddin, J.)

(Tapabrata Chakraborty, J.)