

25.07.2022

Serial no. 23

[Dd]

(Anticipatory bail)

(Rejected)

CRM (A) 3479 of 2022

In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Dasnagar** Police Station Case No. **70** of **2022** dated **22nd June, 2022** under Sections **376/506/511** of the Indian Penal Code.

-And-

In the matter of : **Bidhan Samanta @ Bidhan Chandra Samanta**

... ..**Petitioner**

Ms. D. Brahma,
Mr. A. Pathak Advocate

... .. For the **Petitioner**

Mr. Saswata Gopal Mukherjee, Id. PP
Mr. Aniket Mitra, Advocates

... ...For the State

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner submits that the petitioner was falsely implicated.

Learned advocate appearing for the State draws the attention of the Court to the statements of the victim recorded under Section 164 of the Criminal Procedure Code. He also draws the attention of the Court to the affidavit filed by the de facto complainant affirmed before the notary public.

The statements recorded under Section 164 of the Criminal Procedure Code of the victim, implicates the petitioner in the offences. There is a subsequent affidavit affirmed by the de facto complainant before the notary public.

There is an employer employee relationship between the petitioner and the de facto complainant with the petitioner being the employer and the de facto complainant being the employee.

The possibility of the second affidavit of the de facto complainant affirmed before the notary public being induced by undue influence cannot be overlooked.

The materials in the case diary suggest requirement of custodial interrogation of the petitioner.

In such circumstances, we are not inclined to grant anticipatory bail to the petitioner.

Prayer for anticipatory bail of the petitioner is **rejected**.

CRM (A) 3479 of 2022 is **dismissed**.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)