

06.01.2022
Item no. 341
Court No.32
Avijit Mitra

C.R.M. 7503 of 2021

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

And

In Re : Bajlu Mandal @ Bajlu Mondal

.... petitioner

Mr. Tapodip Gupta,
Mr. Aditya Bikram Mahata
....for the petitioner
Mr. Bidyut Kumar Roy,
Ms. Kum Kum Mitra
..... for the State

Apprehending arrest in connection with Domkal Police Station Case No.668 of 2021 dated 05.11.2021 under Sections 448/376/506 of the Indian Penal Code the present application for anticipatory bail is filed by the principal accused.

It is submitted by the learned lawyer appearing for petitioner, that there was a long pending matrimonial dispute between in-laws of the victim, one of whom is the present petitioner and the instant allegation is a sequel to such matrimonial dispute. It is nothing but a concocted story to implicate the present petitioner in a false criminal case. The learned lawyer also submitted that the present petitioner is residing at his wife's paternal home making the alleged incident improbable.

Per contra, learned lawyer representing the State Mr. Roy submitted, that strong incriminating elements are there

against the present petitioner although he candidly admitted that the victim refused medical examination. Considering the seriousness of the allegation, anticipatory bail is opposed by Mr. Roy. It is further submitted that investigation is still pending.

We have heard rival submissions and perused the case diary as well as supplementary affidavit filed by the petitioner. On perusal of the case diary, we find strong incriminating elements are there against the present petitioner as appears from the statement of the victim recorded under Section 164 as well as from the statement of other witnesses. Documents submitted along with the supplementary affidavit pertain to a previous case. In view of the fact that the allegations are grave and serious and investigation is not yet complete and also considering the extent of incriminating elements, we are not inclined to allow the anticipatory bail.

Accordingly, the application for anticipatory bail being C.R.M. No.7503 of 2021 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.)