

04.01.2022

Item no.271
Court No.32
Avijit Mitra

C.R.M. 7821 of 2021

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

And

In Re : Dipali Mallick

.... petitioner

Mr. Ujjal Ray

....for the petitioner

Mr. Madhusudan Sur,

Mr. Monoranjan Mahata

..... for the State

Mr. Navonil De,

Mr. Subhrajit Dey

....for the *de facto* complainant

Apprehending arrest in connection with Chanditala Police Station Case No.405 of 2021 dated 20.10.2021 under Sections 341/323/325/326/307/354/34 of the Indian Penal Code, the present application has been preferred.

Mr. Ray, learned advocate appearing for the petitioner submits that the complaint was lodged about 7 days after the alleged incident and as such, the possibility of exaggerated accounts of the incident cannot be ruled out. The petitioner is a lady and has been falsely implicated. There is also no possibility that petitioner would flee from justice or delay the trial by abscondence. In view thereof, custodial interrogation is not warranted.

Mr. Ray further submits that the petitioner's husband has already been granted bail by a Coordinate Bench of this Court.

Mr. Sur, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statement of the witnesses and the injury reports. Answering a query he submits that the investigation is still in progress.

Mr. De, learned advocate appearing for the *de facto* complainant opposes the petitioner's prayer and submits that after the petitioner's husband obtained bail, the *de facto* complainant and her family members were threatened for which a formal complaint had been registered being Chanditala Police Station Case no.511 of 2021 dated 31st December, 2021.

We have heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

Prima facie, there are strong incriminating materials against the petitioner and specific overt act has been attributed to her. Considering the injury report and the extent of complicity of the petitioner, we are not inclined to exercise any discretion in her favour. As such, her prayer for anticipatory bail is refused.

Accordingly, the application for anticipatory bail being C.R.M. No.7821 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.)

