

06.01.2022
Item no. 22
Court No.32
Avijit Mitra

C.R.M.7935 of 2021 (Through Video Conference)

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

And

In Re : Arshad Ali @ Arsad Ali

.... petitioner

Mr. Samrat Chowdhury,

Mr. Anit Dey

....for the petitioner

Mr. Sujan Chatterjee

..... for the State

Ms. Minoti Gomes

....for the *de facto* complainant

Apprehending arrest in connection with Domkal Police Station Case No.652 of 2021 dated 01.11.2021 under Sections 417/376 & 34 of the Indian Penal Code, the present application has been preferred.

Mr. Chowdhury, learned advocate appearing for the petitioner submits that there was a consensual relationship between the parties and unfounded allegations have been levelled against the petitioner. It is only with the intent to heckle and harass the petitioner, he has been implicated in the instant case. The petitioner is ready to cooperate with the investigation and as such, he may be granted anticipatory bail on any stringent condition.

Mr. Chatterjee, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the

statement of the victim girl as recorded under Section 164 of the Code as well as the injury report.

Ms. Gomes, learned advocate who enters appearance on behalf the *de facto* complainant and submits that pictures were taken and uploaded in the social media. In view of such conduct, the petitioner is not entitled to the relief, as prayed for.

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. Considering the seriousness of the offence and the extent of complicity of the petitioner, we are not inclined to exercise any discretion in his favour more so when, investigation is still continuing.

Accordingly, the application for anticipatory bail being C.R.M. No.7935 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.)