

CRM No.8010 of 2021

Via video conference

06.01.22

(S.R.)

Sl.37

Ct.32

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Khatra Women** Police Station Case No.11 of 2021 dated 01/10/2021 under Sections 448/376/511/306/34 of the Indian Penal Code;

And

In re: Tapas Mandal

... petitioner.

Mr. Narayan Debnath

... for the petitioner.

Mr. Navanil De

...for the State.

Apprehending arrest in connection with Khatra Women Police Station Case No.11 of 2021, the instant application is filed by the principal accused praying for anticipatory bail.

Mr. Debnath, learned lawyer appearing for the petitioner submitted that the allegation is false and fabricated. No strong incriminating element is there against the present petitioner. Accordingly, he prays for anticipatory bail.

Per contra, Mr. De, learned lawyer appearing for the State invited our attention to the statements of the witnesses, particularly, that of the son of the victim and others, on the strength of which he submitted that strong incriminating elements are there against the present petitioner which demands custodial detention and interrogation. Accordingly, he strongly opposes the bail application.

We have heard the rival submissions and perused the case diary. We find that there are strong incriminating elements against the present petitioner emanating from the statements of number of witnesses. Investigation is still pending. Allegations are very grave and serious. It also appears from the case diary that attempts were made by the sub-inspector of police, Hira Mondal, for raiding the house of the present petitioner in terms of the letter dated 30.10.2001. Death

certificate indicates that death was caused by poisoning. It also appears from the report of the I.O. that raid was made in the house of the present petitioner but he was not present there. The conduct of the petitioner shows that he is not cooperating with the investigation. Accordingly, considering the nature of allegations, conduct of the petitioner and presence of strong incriminating materials, we are not inclined to allow the anticipatory bail and the same stands rejected.

The application for anticipatory bail being CRM No.8010 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.

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)