

CRM No.8144 of 2021
(Via video conference)

11.01.22
(S.R.)
Sl.34
Ct.32

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Chanchal** Police Station Case No.729 of 2021 dated 02.09.2021 under Sections 376/109 of the Indian Penal Code (G.R. Case No.2034 of 2021);

And

In re: Nesadul Ali @ Mirsadul Alam ... petitioner.

Mr. Sujoy Sarkar ... for the petitioner.

Mr. Shiladitya Banerjee ...for the State.

Mr. Sarkar, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. The principal accused is one Masud Alam. No overt act has been attributed to the petitioner. The ingredients of Sections 376 of the Indian Penal Code are not attracted against the petitioner. In the said conspectus, custodial interrogation is not necessary.

Mr. Banerjee, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the medical reports and the statement of the victim lady. Answering a query of this Court, he submits that charge sheet has not yet been submitted.

Heard the learned advocates and considered the materials in the case diary.

Prima facie, there are strong incriminating materials against the petitioner. Considering the nature of accusations, the seriousness of the offence and the extent of the complicity of the petitioner, we are not inclined to exercise any discretion in his favour, more so when the investigation is yet not complete. As such, his prayer for anticipatory bail is refused.

The application for anticipatory bail being CRM No.8144 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.)