

11.01.2022

Item no. 60
Court No.32
Avijit Mitra

C.R.M.8240 of 2021 (Through Video Conference)

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

And

In Re : Arup Paul

.... petitioner

Mr. Satrajit Sinha Roy

....for the petitioner

Mr. Swapan Banerjee,

Mr. Suman De

..... for the State

Apprehending arrest in connection with Lake Town Police Station Case No.261 of 2021 dated 04.10.2021 under Sections 498A/304B of the Indian Penal Code, the present application has been preferred.

Mr. Sinha Roy, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. The victim was not in any manner instigated to commit suicide. The ingredients of Section 304B are not attracted against the petitioner. In the said conspectus, the petitioner may be granted anticipatory bail on any stringent condition.

Mr. Banerjee, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statement of the witnesses and other materials in the case diary.

He further submits that the petitioner had an extra marital affair and as investigation is not yet complete, the petitioner's custodial interrogation is necessary.

Having heard the learned advocates appearing for the respective parties and considering the materials in the case diary, the nature of accusations and the extent of complicity of the petitioner in the alleged offence, we are not inclined to exercise any discretion in his favour more so when, investigation is still continuing and as such the prayer for anticipatory bail is refused.

Accordingly, the application for anticipatory bail being C.R.M. No.8240 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.)