

06.09.2022

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Ct. No. 29

**KAUSHIK
REJECTED**

C.R.M.(A) 4276 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Jadavpur** Police Station Case No. **161** of **2022** dated **08.08.2022** under Sections 417/376/354C/506 of the Indian Penal Code, 1860.

And

In Re : Subhrajit Guha

..... petitioner

Mr. Moyukh Mukherjee

Mr. Abhishek Dutt

Ms. Fauzia Ahmed

....for the petitioner

Mr. Shiladitya Barma

Ms. Rupa Singh

....for the de-facto complainant

Md. Anwar Hossain

Ms. Ratna Ghosh

....for the State

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner submits that, the petitioner was falsely implicated.

Learned advocate appearing for the State draws the attention of the Court to the statement of the victim recorded under Section 164 of the Code of Criminal Procedure (Cr.P.C.) as also to the medical examination report of the victim.

Learned advocate appearing for the de-facto complainant submits that, the de-facto complainant does not wish to

proceed with the police case any further. He draws the attention of the Court to the letter dated August 28, 2022 written by the de-facto complainant to the Officer-in-Charge of the Jadavpur Police Station. He submits that, the de-facto complainant is present in Court and identifies the de-facto complainant in Court.

The 164 Cr.P.C. statement of the de-facto complainant/victim states that, she was threatened with murder of her husband by the petitioner.

Presently, she is not willing to proceed with the case any further.

In view of the 164 Cr.P.C. statement of the de-facto complainant, we do not find it to be appropriate to grant anticipatory bail to the petitioner.

In such circumstances, prayer for anticipatory bail of the petitioner is rejected and the application being CRM (A) 4276 of 2022 is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)