

16.11.2022

19

Ct. No. 29

**KAUSHIK
REJECTED**

C.R.M.(A) 5221 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Domkal** Police Station Case No. **556** of **2022** dated **06.09.2022** under Sections 448/376 of the Indian Penal Code, 1860.

And

In Re : Asraful Mondal @ Talem Mondal

..... petitioner

Mr. Jishan Iqubal Hossain

....for the petitioner

Mr. Susnigdho Bhattacharya

....for the de-facto complainant

Mr. Imran Ali

Mr. M.F.A. Begg

....for the State

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner submits that, the petitioner was falsely implicated due to monetary disputes.

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.) and to the other materials.

The de-facto complainant is represented.

Learned advocate appearing for the de-facto complainant submits that, the victim gave birth to a baby on July 20, 2022.

The incident occurred on July 31, 2022 at night. The de-facto complainant went to the local police station when the police refused to lodge the First Information Report. Thereafter, the petitioner complained to the jurisdictional Superintendent of Police on August 4, 2022. Thereafter, the de-facto complainant approached the Jurisdictional Court under Section 156(3) Cr.P.C.

The 164 Cr.P.C. statement of the de-facto complainant makes out a prima facie case as against the petitioner requiring investigation. The petitioner, at this stage, is unable to demonstrate the so-called monetary transaction between the petitioner and the family members of the de-facto complainant.

In such circumstances, we are unable to grant anticipatory bail to the petitioner.

Accordingly, prayer for anticipatory bail of the petitioner is rejected and the application being CRM (A) 5221 of 2022 is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)