

CRM (A) 5892 of 2022

In re : An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Tehatta Police Station Case No. 1089 of 2022 dated 09.12.2022 under Sections 448/376/511 of the Indian Penal Code.

-And-

In the matter of : **Palash Halder**

... .. Petitioner

Mr. Asraf Mandal, Advocate

... .. For the Petitioner

Mr. Arijit Ganguly, Advocate

Mr. Sanjib Kr. Dan, Advocate

... ..For the State

Petitioner seeks anticipatory bail.

Learned Advocate appearing for the petitioner submits that there is a love affair between the petitioner and the de facto complainant. He refers to the statement of the de facto complainant recorded under Section 164 of the Code of Criminal Procedure. A previous complaint was lodged.

Learned Advocate appearing for the State draws the attention of the Court to the materials in the case diary. He submits that this is the second police complaint at the behest of the same de facto complainant against the petitioner alleging attempt to rape. There is earlier police complaint lodged at the behest of the de facto complainant against the petitioner. The petitioner was granted bail in such proceeding.

In the present police complaint there is a statement of the de facto complainant recorded under Section 164 of the Code of Criminal Procedure implicating the petitioner.

Considering the contents of the statement recorded under Section 164 of the Code of Criminal Procedure of the de facto complainant and considering the materials in the case diary, need for custodial interrogation of the petitioner cannot be overlooked.

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

Prayer for anticipatory bail of the petitioner is rejected.

CRM (A) 5892 of 2022 is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)