

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

04.05.2022
Item no.19
Court No.01
Avijit Mitra

CRM (A) 206 of 2022

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

And

In Re : Chebulu Roy @ Shebelu Roy

.... petitioner

Mr. Jaydeep Kanta Bhowmik

....for the petitioner

Mr. Ujjwal Luksom,

Mr. Saikat Chatterjee

..... for the State

Apprehending arrest in connection with Jalpaiguri Police Station Case No.179 of 2022 dated 21.02.2022 under Sections 376/511/506 of the Indian Penal Code, the present application has been preferred.

Mr. Bhowmik, learned advocate appearing for the petitioner submits that the petitioner is innocent and he has been falsely implicated. There are inconsistencies in the contents of the complaint. In view thereof, custodial interrogation may not be necessary and he may be granted anticipatory bail on any stringent condition.

Mr. Luksom, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to several documents in the case diary including the statement of the witnesses as recorded under Section 161 of the Code as well

as the statement of the victim as recorded under Section 164 of the Code.

Prima facie, there are incriminating materials on record against the petitioner. Considering the gravity of the offence and the possible extent of his complicity in the alleged offence, we are not inclined to exercise any discretion in his favour more so when, the investigation is still continuing. In view thereof, the petitioner's prayer for anticipatory bail is refused.

The application for anticipatory bail CRM (A) 206 of 2022 is dismissed.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Ajoy Kumar Mukherjee, J.) (Tapabrata Chakraborty, J.)