

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

05.05.2022
Court No.01
rpan/ 08

CRM (A) 217 of 2022

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

And

In Re: Samim Hossain

- Petitioner

Mr. Kallol Nag,

Ms. Esha Acharya

...for the Petitioner

Mr. Ujjwal Luksom,

Mr. Saikat Chatterjee

...for the State

Apprehending arrest in connection with Falakata Police Station Case no.194 of 2018 dated 28.05.2018 under Sections 498(A)/313/109/376(1) of the Indian Penal Code read with Sections 3/4 of the Dowry Prohibition Act, the present application has been preferred.

Ms. Acharya, learned advocate appearing for the petitioner submits that there are inconsistencies in the statements incorporated in the complaint as lodged. The petitioner has been falsely implicated. Upon completion of investigation charge-sheet has also been submitted and as such, custodial interrogation may not be necessary.

Mr. Luksom, learned advocate appearing for the State opposes the petitioner's prayer and submits that upon completion of investigation charge-sheet has been submitted, *prima facie*,

observing that the petitioner raped the complainant against her will. Raids were conducted but the petitioner could not be arrested.

Having heard the learned advocates appearing for the respective parties and considering the materials in the case diary, *prima facie*, we find strong incriminating materials on record against the petitioner. Considering the gravity of the offence, the nature of allegations, the conduct of the petitioner and the extent of his complicity in the alleged offence, we are not inclined to exercise any discretion in his favour.

Accordingly, the application for anticipatory bail, being CRM (A) 217 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.)