

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

10.05.2022
Court No.01
rpan/ 08

CRM (A) 229 of 2022

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

And

In Re: Gajendra Roy Dakua

- Petitioner

Mr. Hillol Saha Podder,

Ms. Mousumi Das

...for the Petitioner

Mr. Aditi Shankar Chakraborty,

Mr. Ujjwal Luksom,

Ms. Namrata Das

...for the State

Apprehending arrest in connection with Mathabhanga Police Station Case no.73 of 2022 dated 23.02.2022 under Sections 376(2)(n)/511 of the Indian Penal Code, 1860, the present application has been preferred.

Mr. Saha Podder, learned advocate appearing for the petitioner strenuously argues that the petitioner has no involvement in the alleged offence. He is aged about 63 years and has been falsely implicated. In the said conspectus, custodial interrogation may not be necessary and he may be granted anticipatory bail on any stringent condition.

Mr. Chakraborty, learned Additional Public Prosecutor strongly opposes the petitioner's prayer and submits that the victim is mentally retarded and specific overt act has been attributed to the petitioner. Answering our query he submits that investigation is still continuing.

Heard the learned advocates appearing for the respective parties and considered 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 accusations and the extent of complicity of the petitioner in the alleged offence, we are not inclined to exercise any discretion in his favour, more so when the investigations is still continuing..

Accordingly, the application for anticipatory bail, being CRM (A) 229 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.)