

16.10.2023
(D/L 05)
Ct. No.29
(Rejected)
(SKB)

CRM (A) 4554 of 2023

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Palashipara P.S. Case No.288 of 2023 dated 21.09.2023 under Sections 448/376/506 of the Indian Penal Code in S.L. No.1890 of 2023.

In the matter of : Meghnath Mondal

... Petitioner

Mr. Arnab Chatterjee,
Mr. Amanul Islam,
Mr. Sourav Mukherjee,
Ms. Dhanasree Biswas,
Ms. Poulami Bose

... for the petitioner

Mr. Angshuman Chakraborty

... for the State

1. Heard learned advocates for the parties.
2. In support of the application for anticipatory bail, learned advocate for the petitioner draws our attention to page no.7 being Annexure 'P' of the instant petition.
3. It is contended that prior to the institution of the case as involved in this application, a case under Section 376 IPC along with other sections has been lodged against the husband of the present victim by the niece of the present petitioner.
4. While opposing the prayer for anticipatory bail, learned advocate for the State draws our attention to the statement of the victim as recorded under Section 164

Cr.P.C. From such statement, we find serious allegation as against the present accused petitioner. Though a case of family rivalry and false implication has been made on behalf of the petitioner, it is very difficult at this stage to ascertain the truth of the assertion as made by the petitioner.

5. Regard being had to the seriousness of crime and the nature of allegation as reveals from the statement of the victim recorded under Section 164 Cr.P.C., we are not inclined to exercise our discretion under Section 438 Cr.P.C. in favour of the petitioner.
6. According the prayer for anticipatory bail is rejected.
7. CRM (A) 4554 of 2023 is dismissed.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)