

09.02.2023

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***Calcutta High Court  
In the Circuit Bench at Jalpaiguri***

**CRM (A) 54 of 2023**

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 09.01.2023 in connection with Pundibari Police Station Case No. 162 of 2022 dated 02.04.2022 under Sections 363/365 of the Indian Penal Code.

In the matter of : Saher Ali

... petitioner

Mr. Subhasish Misra,  
Mr. Swapan Das

...for the petitioner

Mr. Ujjwal Luksom,  
Ms. Namrata Das

.....for the State.

Heard learned counsel for the parties.

However, keeping in view the serious nature of the allegation and the consistent version of the victim in her statement recorded under Section 164 of the Code of Criminal Procedure as well as before the Doctor, we are not inclined to grant anticipatory bail to the petitioner at this stage, irrespective of the allegation sought to be levelled by the petitioner that there was prior relationship between the parties.

Hence, CRM (A) 54 of 2023 is dismissed.

However, the petitioner will be at liberty to approach jurisdictional trial court and upon surrendering there, may pray for bail.

If so approached, the trial court shall decide the issue independently without being prejudiced by the present refusal.

(Sabyasachi Bhattacharyya, J.)

(Rai Chattopadhyay, J.)