

08.06.2023
SL No.32
Court No.1
Sb/Saswata
(Rejected)

***Circuit Bench of Calcutta High Court
At Jalpaiguri***

CRM (A) 283 of 2023

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed in connection with Mathabhanga Police Station Case No.31 of 2023, dated 19.01.2023 under Sections 498A/376/511 of the Indian Penal Code, 1860 read with Sections 3/4 of the Dowry Prohibition Act, 1961.

And

In the matter of : **Sahidar Miya @ Shahidar Miyan @ Chhapiar Mia @
Shahidar Munsu**

- Petitioner.

Mr. Hillol Saha Podder

Ms. Mousumi Das

... For the Petitioner.

Mr. Aditi Shankar Chakraborty, Ld. APP

Mr. Kallol Nag

... For the State.

1. Learned Counsel for the petitioner submits that the petitioner has been falsely implicated. The petitioner is the father-in-law of the de facto complainant. The de facto complainant is having illicit relationship and as he protested against such relationship, the petitioner has been falsely implicated.
2. Learned APP, however, opposes the prayer for anticipatory bail and submits that the statement of the victim recorded under Section 164 of the Cr.P.C. corroborates with the FIR. The FIR was lodged ten months after the alleged incident.
3. Considering the materials available in the case diary and the statement of the victim recorded under Section 164 of the Cr.P.C. directly implicating the petitioner in the commission of the alleged offence, we are not inclined to grant anticipatory bail to the petitioner at this stage and the application for anticipatory bail is **rejected**.
4. CRM (A) 283 of 2023 is, thus, disposed of.

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

(Raja Basu Chowdhury, J.)

(Soumen Sen, J.)