

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

**30.08.2023
Court No.01
Item No.42
Avijit Mitra**

CRM (A) 698 of 2023

In Re:- An application under section 438 of the Code of Criminal Procedure;

And

In Re: Mahubul Alam

...Petitioner

Ms. Madhushree Dutta

...for the Petitioner

Mr. Ujjwal Luksom,
Ms. Namrata Das

...for the State

Apprehending arrest in connection with Malbazar Police Station Case No.579 of 2023 dated 24.07.2023 under Sections 448/323/354 of the Indian Penal Code, the present application has been preferred.

Ms. Dutta, learned advocate appearing for the petitioner submits that the complaint had been lodged about 18 days after the alleged incident with the sole intent to falsely implicate the petitioner as there was a previous dispute between the petitioner and the husband of the victim lady. In the said conspectus, anticipatory bail may be granted to the petitioner on any stringent condition.

Ms. Das, learned advocate appearing for the State opposes the petitioner's prayer and submits that there are strong incriminating materials against the petitioner and investigation is still continuing.

Having heard the learned advocates and considering the materials in the case diary, the gravity of the offence, its ramification 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 investigation is still continuing. In view thereof, the petitioner's prayer for anticipatory bail is refused.

The application for anticipatory bail CRM (A) 698 of 2023 is dismissed.

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

(Lapita Banerji, J.)

(Tapabrata Chakraborty, J.)