

31.08.2023
Item no.8
Court No.01
P.P./S.D.

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

CRM (A) 705 of 2023

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

And

In Re: Binay Roy

.... Petitioner

Ms. Madhushri Dutta

....for the petitioner

Mr. Ujjal Luksom,

Ms. Namrata Das

..... for the State

Apprehending arrest in connection with Mekhliganj Police Station Case No. 47 of 2023 dated 18.2.2023 under Sections 376/506 of the Indian Penal Code, 1860, the present application has been preferred.

Ms. Dutta, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated by the defacto-complainant, who is a married lady having four children.

Ms. Das, learned Advocate appearing for the State opposes the petitioner's prayer and submits that the investigation is still continuing.

Having heard the learned advocates appearing for the respective parties and considering the materials in the case diary, particularly the statement of the victim lady, as recorded under Section 164 of the Cr.P.C., the gravity of the offence and the extent of complicity of the petitioner in the alleged offence,

we are not inclined to exercise discretion in favour of the petitioner and his prayer for anticipatory bail is refused more so, when investigation is still continuing.

CRM (A) 705 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.)