

01.10.2024
SL No.25
Court No.29
(gc)
(Rejected)

CRM (A) 3499 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Krishnaganj Police Station Case No.18 of 2021 dated 21.01.2021 under Sections 420/376/406/120B/34 of the Indian Penal Code.

And

In the matter of : **Sukurali Sk.**

- Petitioner.

Mr. Kusal Kr. Mukherjee,
Ms. Suchismita Dutta

....For the Petitioner.

Mr. Subhomay Bhattacharya,
Ms. Diksha Ghosh

... For the State.

1. The learned Counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated.
2. The learned Counsel for the State has opposed the prayer for anticipatory bail.
3. It appears that the victim has filed an application under Section 156(3) of the Code of Criminal Procedure before the learned Chief Judicial Magistrate, Nadia against the present petitioner and three other accused persons which was numbered as Complain Case No.657 of 2020. The said application was later treated as FIR on 21.01.2021.
4. It is alleged that paramour of the complainant with a promise to marry coerced her to execute certain documents with two other co-accused, one of whom is the present petitioner. It appears that Pabitra is absconding. The other co-accused, namely,

Toton Mondal, in whose favour the deed was executed, is in custody. There are enough incriminating materials in the case diary which implicate the present petitioner. Moreover, the petitioner stands on the same footing as that of co-accused whose bail prayer was rejected by the jurisdictional court. The element of conspiracy is revealed from the case diary with the dishonest intention. The petitioner is absconding for the last three years. The conduct is not good.

5. Hence, we are not inclined to grant anticipatory bail to the petitioner.
6. Accordingly, the application for anticipatory bail is rejected.
7. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Soumen Sen, J.)

(Uday Kumar, J.)