

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

04.04.2024
Court No.01
Item No.25
Avijit Mitra

CRM (A) 237 of 2024

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

In Re: Swapan Modak

- Petitioner

Mr. Hillol Saha Poddar,
Ms. Mousumi Das
...for the Petitioner
Mr. Ujjwal Luksom,
Ms. Namrata Das
...for the State.

Apprehending arrest in connection with Cooch Behar
Sadar Women Police Station Case No.138 of 2023 dated
06.10.2023 under Sections 448/376 of the Indian Penal Code,
the present application has been preferred.

Mr. Saha Poddar, learned advocate appearing for the
petitioner submits that the petitioner has been falsely implicated
upon levelling unfounded allegations. There is no possibility that
the petitioner would flee from justice and in the said conspectus
custodial interrogation of the petitioner may not be necessary.

Mr. Luksom, learned advocate appearing for the State
opposes the petitioner's prayer and submits that there are
strong incriminating materials on record against the petitioner.

He further submits that the victim is pregnant and investigation is still continuing. As such, the petitioner's prayer needs to be refused.

Upon hearing the learned advocates appearing for the respective parties and considering the materials on record including the statement of the victim lady, as recorded under Section 164 of the Code, the gravity of the offence and the extent of complicity of the petitioner in the alleged offence, we are not inclined to exercise any discretion in his favour.

Accordingly, the application for anticipatory bail, being CRM (A) 237 of 2024, is dismissed.

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

(Biswaroop Chowdhury, J.) (Tapabrata Chakraborty, J.)