

Learned A.P.P. opposes the prayer for anticipatory bail. It is submitted that despite there being no specific allegation or eye witness as to who fired shot killing the deceased, the mere presence of the petitioner along with three other co-accused near the dead body with fire arm in his hands and further there being no explanation as to why there would be false implication, the petitioner does not deserve the indulgence of anticipatory bail and rather be directed to surrender before the Court below seeking regular bail.

Considering the facts and circumstances of the case and the specific nature of allegation against the petitioner, this Court is not inclined to enlarge the petitioner on anticipatory bail. The application, accordingly, stands dismissed.

However, in the event the petitioner surrenders and prays for regular bail before the Court below, the same shall be considered on its own merits in accordance with law without being prejudiced by the present order.

(Ahsanuddin Amanullah, J.)

Anand Kr.

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