

CRM 5902 of 2020

(Via Video Conference)

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Domkal P.S. Case No.832 of 2019 dated 04.11.2019 under Sections 326/307/34 of the Indian Penal Code and Sections 3 /4 of the E.S. Act.

And

In the matter of: Chaharuddin @ Madhu Sk. & Anr.

....Petitioners.

Mr. Robiul Islam

...for the Petitioners.

Mr. Saibal Bapuli, Ld. APP

Ms. Sayanti Santra

...for the State.

It is submitted on behalf of the petitioners that they have been falsely implicated in the instant case. Statements of witnesses belatedly recorded.

Learned lawyer for the State opposes the prayer for anticipatory bail and submits that eye witnesses had identified the petitioners as assailants of the victim.

We have considered the materials on record. Keeping in mind the nature of the relief sought in the light of the gravity of the offence involved, we are of the opinion mere delay in recording statements of eye witnesses per se may not be sufficient to entitle the petitioners to the relief of pre-arrest bail.

That apart, custodial interrogation of the petitioners may be necessary for progress of investigation and accordingly, we are not inclined to grant bail to the petitioners.

The parties shall act in terms of the copy of the order downloaded from the official website of this Court.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)