

20.10.2020.
Item No. 28
(Rejected)

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(Via Video Conference)

C.R.M. 7978 of 2020

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with Sahebganj P.S. Case No. 34 of 2020 dated 22.01.2020 under Sections 341/326/307 of the Indian Penal Code read with Section 25/27 of the Arms Act;

And

In the matter of : **Rahul Sekh @ Chhaddam Miah.**

... petitioner.

Mr. Ratan Chandra Roy.

..For the petitioner.

Mr. Aditi Shankar Chakraborty, Ld. APP.

...For the State.

The Advocate-on-Record of the petitioner undertakes to affirm and stamp the petition/application as per the Rules within forty-eight hours of resumption of the normal functioning of the Court. Subject to such undertaking and urgency the application is taken up for hearing through Video Conference.

The learned Advocate for the petitioner submits that he has been falsely implicated in the instant case on the allegation that his wife has an illicit relationship with the complainant. It is further submitted that the incident might have happened but the petitioner was never involved in such case and because of such fact a case has been registered against him. It is ardently submitted that there is a delay in lodging the First Information Report and for such reason the custodial detention of the petitioner is not necessary.

The learned advocate for the State opposes the prayer for anticipatory bail. It is submitted that the complainant has received a gunshot injury and, in fact, bullet was recovered and since the petitioner is absconding and his

interrogation is necessary for the furtherance of the case, he should not get a privilege of anticipatory bail.

Considering the submissions advanced by the respective Counsels and upon perusal of the materials from the Memo of Evidence relied upon by the State as well as the statement of the persons recorded under Section 161 of the Code of Criminal Procedure, we do not feel that it is a fit case where the petitioner should get privilege of Section 438 of the Code of Criminal Procedure.

Accordingly, the prayer for anticipatory bail of the petitioner is **rejected**.

(Ravi Krishan Kapur, J.)

(Harish Tandon, J.)