

20/10/2020

Item No.35

AB

Through Video Conference

CRM 8047 of 2020

In Re : An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Samsherganj P.S. Case No.86 of 2020 dated 31.5.2020 under Sections 341/325/326/307/302/34 of the Indian Penal Code

Malek Sk. alias Abdul Malek & Ors

Vs

The State of West Bengal

Ms. Sabana Hasin ...for the Petitioners.

Mr. Arijit Ganguly,
Mr. Sanjib Kr. Dan ...for the State.

The petitioners undertake to affirm and stamp the petition/application as per the Rules within one month of resumption of normal functioning of the Court. The petition is taken up through video conference on the basis of such undertaking.

Leave is granted to correct the cause title in course of the day.

The learned Counsel for the petitioners submits that they have been falsely implicated in the instant case. The petitioners and the complainants are neighbours and out of enmity the false complaints have been lodged.

The learned Counsel for the State, however, opposes the prayer for anticipatory bail.

We have considered the statement of the witnesses and the medical examination report and post mortem report. It

appears that the cause of death is due to the injuries suffered by the victim due to the assault caused by the petitioners.

Under such circumstances, we are not inclined to grant anticipatory bail to the petitioners.

The application for anticipatory bail of the petitioners is, thus, rejected.

(Aniruddha Roy, J.)

(Soumen Sen, J.)