

09.12.2020

tkm/ct 28

sl no. 68

C.R.M. 9563 of 2019

In Re : An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Malda P.S case no. 578 of 2017 dated 3.11.2017 under sections 302/201/120B/34 of the IPC

And

In Re : Afsana Khatun

..... petitioner

Mr. A Patra

..... for the petitioner

Ms. Z N Khan

Mr. MFA Begg

..... for the State

It is submitted on behalf of the petitioner that she is not the principal assailant and she has been falsely implicated in the instant case.

Learned lawyer for the State opposes the prayer for anticipatory bail and submits that petitioner was a member of an unlawful assembly who shared common object to murder the victim. She had absconded for a protracted period of time.

We have considered the materials on record. Statements of witnesses show presence of the petitioner as a member of unlawful assembly who shared common object to kill the victim.

In view of the gravity of the offence and the conduct of the petitioner in absconding for a protracted period of time, we are of the opinion that this is not a fit case to grant anticipatory bail to the petitioner.

Accordingly, the prayer for anticipatory bail is rejected.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)