

98 09.12.2020
rkd Ct. No.28
(Allowed)

C.R.M. 10063 of 2020
(Through Video Conference)

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Labpur** P.S. Case No. **100 of 2020** dated **05/07/2020** under Sections **302/201/120B** of the Indian Penal Code.

And

In the matter of: Monirul Islam

....petitioner.

Mr. S. Ahmed,
Mr. M. A. Naskar,
Mr. A. Saha

...for the petitioner.

Mr. N. Ahmed,
Ms. A. Gaur

...for the State.

It is submitted on behalf of the petitioner that he has been falsely implicated in the instant case of murder of a political activist. It is further submitted as he had changed political allegiance, he is being falsely implicated in one criminal case after another.

Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail and submits that the petitioner was a conspirator to the crime and had instigated the co-accuseds to murder the deceased.

We have considered the materials on record including the statements of witnesses who speaks of the alleged conspiracy. Shorn of details, the statements merely speak of discussion between co-accused persons who named the petitioner in question. At its height, such statement, merely disclose presence of co-accuseds only. Admittedly, none the witnesses had seen the petitioner in the meeting which held amongst the co-accuseds. In the light of the aforesaid materials and as possibility of false

implication of the petitioner due to political rivalry cannot be ruled out, we are inclined to grant anticipatory bail to the petitioner.

In the event of arrest, the petitioner shall be released on bail upon furnishing a Bond of Rs. 10,000/- with two sureties of like amount each to the satisfaction of the Arresting Officer and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

The application for anticipatory bail is, thus, disposed of.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)