

15.02.2021  
Court No.28  
Item No. 242  
Krishnendu  
REJECTED

**CRM 455 of 2021**

(Via video Conference)

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure ;

And

In Re : Akbar Hossain & Anr.

Petitioners

Mr. Sarwar Jahan  
Mr. Debanshu Ghorai  
Mr. Anisur Rahman

For the Petitioners

Mr. Saibal Bapuli, A.P.P.  
Mr. Soumik Ganguli

For the State

Apprehending arrest in connection with Raghunathganj Police Station Case No. 344 of 2020 dated 12.07.2020 under sections 447/302/120B of the Indian Penal Code, the petitioners have filed the present application.

The learned advocate appearing for the petitioners submits that the petitioners are in no manner connected with the alleged incident. They have been falsely implicated. No overt act has been attributed to the petitioners. He further submits that one co-accused has already been granted anticipatory bail by a co-ordinate Bench of this Court and as such their custodial detention is not necessary.

The learned advocate appearing for the State opposes the prayer for anticipatory bail of the petitioners and draws our attention to the statements of the witnesses recorded under section 161 of the Code of Criminal Procedure and also

the statement of the de facto complainant as recorded under section 164 of the Code of Criminal Procedure.

We have perused the order dated 4<sup>th</sup> December, 2020 passed in CRM 9764 of 2020 preferred by one Janak Bibi. It does not appear to us that the extent of complicity of the said Janak Bibi is similar to that of the petitioners herein. *Prima facie*, there are materials on record, which clearly disclose the involvement of the petitioners in the alleged offence. In view thereof, we are not inclined to grant anticipatory bail to the petitioners. As such, the prayer for anticipatory bail is rejected.

The application for anticipatory bail, being CRM 455 of 2021, is, thus, dismissed.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)