

16.04.2021
Item No.249
Ct.No.28
Subha
rejected

C.R.M. 882 of 2021
(Via Video Conference)

In Re: An application for anticipatory bail under Section 438 Cr.P.C in connection with Kaliachak P. S. Case No. 10 of 2014 dated 04-01-2014 punishable under Sections 376D/302/201 of the Indian Penal Code.

In the matter of : **Jasim Sk @ Joshim Sekh** ...
Petitioner.

Mr. Mazhar Hossain Chowdhury
... For the Petitioner.

Mr. Saswata Gopal Mukherji, PP
Mr. Partha Pratim Das
Ms. Manasi Roy
... For the State.

The present application under Section 438 of the Code of Criminal Procedure has been preferred by the petitioner in connection with 04-01-2014 under Sections 376D/302/34 of the Indian Penal Code.

Leave is granted to the Advocate-on-record of the petitioner to correct the description of the petitioner from the preamble of the instant application here and now.

Learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated in connection with the aforesaid case and, therefore, should be extended the privilege of pre-arrest.

It is, therefore, submitted that because of the political rivalry, the name of the petitioner has been included in the F. I. R.

On the other hand, the learned advocate for the State opposes the prayer for anticipatory bail of the petitioner and submits that there was an intention to kill the complainant and the statement of the eye-witnesses will corroborate the same.

After perusing the materials available from the case diary including the statement of the eye-witnesses recorded under Section 161 of the Code of Criminal Procedure and the gravity of the offence including the complicity of the petitioner thereto, we do not feel that it is a fit case where we should extend the privilege of anticipatory bail to the petitioner.

Accordingly, the application for anticipatory bail of the present petitioner is rejected.

(Harish Tandon, J.)

(Tirthankar Ghosh, J.)