

28. 06.08.2021
Ct.32
Tanmoy
Dismissed

C.R.M. 2015 of 2021

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on **12/02/2021** in connection with **Bagnan Police Station Case No. 32/18** dated **01/02/2018** under Sections **302/201** of the Indian Penal Code.

And

In the matter of: - **Manik Sarkar @ Mani @ Shrikanta Sarkar**

....petitioner.

Mr. Debashis Roy,
Mr. Moyukh Mukherjee,
Mr. Rameez Alam

...for the petitioner.

Mr. Saswata Gopal Mukherjee, Ld. P.P.,
Mr. Mr. M. Sur, Ld. A.P.P.,
Mr. D. Pramanik

...for the State.

The petitioner says that he has been falsely implicated for political reasons. The incident occurred on January 31, 2018. The victim suffered a motorcycle accident. He was taken to hospital in an ambulance where he was declared “brought dead”.

The petitioner says that after three years, the Prosecution is now saying that some video footage has been recovered in which apparently the petitioner boldly confesses that he, in fact, killed the victim. Learned Counsel for the petitioner says that the authenticity of such video footage is highly doubtful. The same has not been forensically examined. This is clearly a false complaint filed because the petitioner has shifted his political allegiance.

Learned Counsel for the State produces the Case Diary. We have seen the material therein including the statements of

witnesses recorded under Section 161 of the Code of Criminal Procedure.

We are told that warrant of arrest was issued sometime in February 2021 and proclamation was issued against the petitioner sometime in May, 2021. The petitioner has challenged the legality of the warrant of arrest and the proclamation before a learned Single Judge of this Court. The matter is pending.

Having considered the material in the Case Diary and the serious nature of the allegation, although charge-sheet has been filed, we are not inclined to allow the petitioner's prayer for anticipatory bail.

Accordingly, the application for anticipatory bail being C.R.M. 2015 of 2021 is **dismissed**.

All parties shall act in terms of server copy of this order downloaded from the official website of this Court.

(Suvra Ghosh, J.)

(Arijit Banerjee, J.)