

CRM 2154 of 2021

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Kaliachak Police Station** Case No. **457 of 2014** dated **14.06.2014** under Sections **302/120B/34** of the Indian Penal Code and Section 27 of the Arms Act.

- A n d -

In the matter of : Md. Helaluddin Chaudhuri @ Rintu Daktar
.... Petitioner.

Mr. N. De,
Mr. M. H. Chowdhury,
Mr. S. Karmakar,

... For the Petitioner.

Mr. S. Ghosh,
Mr. A. K. Datta,

... For the State.

Mr. N. Dey,
Mr. M. Gomes,

... for the defacto complainant.

Leave is granted to the learned Advocate of the petitioner to correct the police station case number printed in the prayer portion of the petition.

The charge is of murder. The petitioner says that his name did not figure in the FIR which was filed in 2014. The charge sheet was submitted in 2016 and the petitioner's name appeared therein for the first time. He has no role to play in the murder of the victim. He has been falsely implicated.

The State draws our attention to statements of witnesses recorded under Section 161 of the Code of Criminal Procedure.

Some of the witnesses clearly state that the murder was at the instance of the petitioner. Further, the petitioner has been

absconding since 2016. The trial could not proceed since the petitioner could not be apprehended.

On an overall assessment of the material on record and the possible extent of complicity of the petitioner in the alleged crime, we are not inclined to allow the petitioner's prayer for anticipatory bail.

The prayer for anticipatory bail is rejected.

CRM No. 2154 of 2021 is, thus, dismissed.

(Bivas Pattanayak, J.)

(Arijit Banerjee, J.)