

04.08.2021
Item no. 63
Court No.32.
S.De
(rejected)

(Via Video Conference)

CRM No. 2295 of 2021

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure filed on 01.03.2021 in connection with Nayagram Police Station Case No. 62 of 2020 dated 24.07.2020 under Sections 302/497/120B of the Indian Penal Code.

And

In the matter of : Bhabotosh Mahata & Ors.

.....Petitioners.

Mr. Soumyajit Das Mahapatra, Advocate,
.....for the Petitioners.

Mr. Madhu Sudan Sur, Ld. A.P.P.,
Mr. Monoranjan Mahato, Advocate,
.....for the State.

The allegation against the petitioners is, inter alia, under Section 302 of the Penal Code. It is submitted on behalf of the petitioners that they have been falsely implicated and the victim himself consumed poison. At best, it may be a case under Section 306 of the Penal Code.

The State opposes the prayer for anticipatory bail and refers to several statements of witnesses under Section 161 of the Code and the statement of the minor daughter of the victim

under Section 164 of the Code. The State also refers to the post-mortem report of the victim.

Having considered the material on record, nature and gravity of the offence and prima facie involvement of the petitioners in the alleged offence and the fact that investigation is still going on, we are inclined to hold that this is not a fit case for granting anticipatory bail.

CRM 2295 of 2021 is, accordingly, dismissed.

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

(Suvra Ghosh, J.)

(Arijit Banerjee, J.)