

02.08.2021

Court No.30

rpan /07

C.R.M.2424 of 2020

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

And

In Re : **Kasem Ali @ Md. Abdul Kasim Molla**

- Petitioner.

Mr. Kamalesh Ch. Saha,
... for the petitioner.

Mr. Saibal Bapuli,
Mr. Soumik Ganguli
... for the State.

Apprehending arrest in connection with Habra Police Station Case No.903 of 2017 dated 29.09.2017 under Sections 302/201/34 of the Indian Penal Code, the petitioner has filed the present application.

Mr. Saha, learned advocate appearing for the petitioner submits that that the petitioner has been falsely implicated in the present case. He was also entangled in a previous case, in which final report has already been filed.

He submits that on the date the alleged incident occurred, he was outside West Bengal. In support of such contention, he has referred to some hotel documents, as annexed to the application.

He further submits that co-accused persons, similarly situated with the petitioner, have already been enlarged on bail. In view thereof, custodial interrogation of the petitioner is not necessary moreso when, upon completion of investigation, charge sheet has been submitted.

Mr. Ganguli, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to several documents in the case diary. He submits that the petitioner had all along been absconding. Let the report, as filed, be kept on record.

We have heard the learned advocates appearing for the respective parties and considered the materials in the case diary, including the statements of witnesses, as recorded under Section 161 of the Code of Criminal Procedure. Considering the gravity of the offence, the nature of allegations and the conduct of the petitioner, we are not inclined to exercise any discretion in his favour.

Accordingly, the application for anticipatory bail, being CRM No. 2424 of 2020 is dismissed.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Subhasis Dasgupta, J.)

(Tapabrata Chakraborty, J.)