

23.02.2021
Item no.106
Court No.28
Avijit Mitra

C.R.M.2765 of 2020 (through video conference)
with
CRAN No. 1 of 2020 (file not here)

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with Malda Police Station Case No.729 of 2019 dated 21.11.2019 under Sections 392/120B of the Indian Penal Code subsequently added Section 411 of the Indian Penal Code;

And

In Re : Asadulla Sk. @ Raju @ Raju Sk.

.... petitioner

Mr. Sardar Amjad Ali, Sr. Adv.,
Mr. Masum Ali Sardar

....for the petitioner

Md. Anwar Hossain,
Mr. Ratna Ghosh

..... for the State

Mr. Ali, learned senior advocate appearing for the petitioner submits that the instant case was initiated almost after six months of the alleged incident and curiously enough, the petitioner's name had transpired. Learned advocate challenges the authenticity of the complaint and implication of the petitioner in the instant case. He further submits that the complainant was also arrested as an accused in this case and there was recovery from his possession.

Mr. Hossain, learned advocate appearing for the State opposes the petitioner's prayer for anticipatory bail and draws the attention of this Court to the statements of the witnesses including that of the complainant who was subsequently made an accused in the instant case because of his involvement in the alleged offence. The case records relating to the statements of police officials indicate that there were recoveries effected from a

number of accused persons who have been arrested in the instant case.

We have considered the submissions of the rival parties and the materials appearing in the case diary and analysis of the statements of the witnesses reflect *prima facie* involvement of the petitioner in the alleged offence, as such we are of the opinion that this is not a fit and proper case to release the present petitioner on anticipatory bail. As such the prayer for anticipatory bail of the petitioner is rejected.

As the main application is rejected, the application being CRAN No. 1 of 2020 has become infructuous and is dismissed.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)