

29.09.2021
Item no. 63
Court No.32.
S.De
(Rejected)

(Via Video Conference)

CRM No. 3384 of 2021

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure filed on 13.04.2021 in connection with Ratua Police Station Case No. 279 of 2016, dated 25.08.2016 under Section 302 of the Indian Penal Code.

And

In the matter of : Belu Paswan @ Belu Roy.

.....Petitioner.

Mr. Shibaji Kr. Das, Advocate,
Mr. Arup Sarkar, Advocate,

.....for the Petitioner.

Mr. Swapan Banerjee, Advocate,
Mrs. Purnima Ghosh, Advocate,

.....for the State.

The petitioner is the son of the victim. The allegation is that the petitioner murdered his father.

The petitioner says that the alleged incident is of 2016. Four years later, the Investigating Officer recorded statements of witnesses under Section 161 of the Code of Criminal Procedure and on that basis has implicated the petitioner. The investigation is completely defective. The petitioner is innocent.

The State produces the case diary. We have seen the statement of the victim's wife who is the mother of the petitioner.

We have also seen the statements of other witnesses. They prima facie, implicate the petitioner. The petitioner is absconding for the last four years.

In view of prima facie incriminating material against the petitioner and in view of the fact that he has been avoiding the police for the last four years, we are not inclined to entertain the petitioner's prayer for anticipatory bail.

Accordingly, CRM 3384 of 2021 is dismissed.

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

(Bivas Pattanayak, J.)

(Arijit Banerjee, J.)