

04.10.2021
tkm/ct 29
sl no. 50

C.R.M. 3423 of 2021

In Re : An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Rampurhat P.S Case no. 194 of 2020 dated 10.6.2020 under sections 144/323/325/326/307/506/34 of the IPC subsequently adding section 302 IPC

And

In Re : Chandan Ghosh @ Prakash Ghosh petitioner

Mr. Bitasok Banerjee

..... for the petitioner

Mr. Prasun Datta

Mr. S Deb Roy

..... for the State

Petitioner seeks anticipatory bail.

Learned advocate for the petitioner draws attention of this Court to the contents of the FIR. He submits that the incident was due to a land dispute. There was a counter case also. He submits that the petitioner is not named in the FIR. Statements recorded by other persons under section 161 Cr.P.C are interested witnesses and that no credence should be given to it. He also submits that principal accused was granted bail by the jurisdictional court. Since police submitted charge sheet, custodial interrogation of the petitioner is not necessary.

Learned advocate for the State opposes the prayer for anticipatory bail and draws the attention of this Court to the statement recorded under section 164 Cr.P.C.

Considering the materials in the case diary and considering the fact that there is charge under section 302 IPC and that fact that the petitioner is yet to participate in the investigation, we are not inclined to grant anticipatory bail to the petitioner.

Accordingly, prayer for anticipatory bail is rejected.

(Ananda Kumar Mukherjee, J.)

(Debangsu Basak, J.)