

30.11.2021
Court No.32
Item No. 147
Krishnendu
Rejected (SM,J)

**CRM 3807 of 2021
(Via video Conference)**

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed in connection with Usthi Police Station Case No. 365 of 2020 dated 10.01.2020 under sections 302/34 of the Indian Penal Code.

And

In re: **Giyasuddin Molla & Ors.**

...Petitioners

Mr. Joy Chakraborty
Mr. Sandip Dinda

... For the Petitioners

Mr. Madhusudan Sur, Id. A.P.P.
Mr. Dipankar Paramanick

...For the State

Learned lawyer for the petitioner submitted that the petitioner no. 2 has already been arrested. Therefore, application for anticipatory bail in respect of petitioner no. 2, Abbasuddin Molla, is not pressed.

So far as the petitioner nos. 1 and 3, namely, Giyasuddin Molla and Hakima Bibi, are concerned, the allegations are false; there are paucity of materials to demonstrate complicity of the petitioner nos. 1 and 3 in the alleged crime. Accordingly, learned lawyer submitted that anticipatory bail should be granted, more so when investigation is pending for last one year almost.

Per contra, the learned lawyer representing the State submitted that strong incriminating elements are there where the petitioner nos. 1 and 3 are named and implicated. Case

diary shows sufficient materials to implicate the petitioner nos. 1 and 3.

We have heard rival submissions and perused the case diary. We have also perused the statements of the witnesses and the post mortem report. Strong incriminating materials are there against the petitioner nos. 1 and 3. The allegations are grave and serious. Investigation is still pending. Therefore, we are not inclined to allow the anticipatory bail application in respect of petitioner nos. 1 and 3, namely, Giasuddin Molla and Hakima Bibi and the same stands rejected.

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

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)