

16.12.2021
Item no.558
Court No.32
Avijit Mitra

C.R.M.4404 of 2021

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

And

In Re : Sanjoy Barman & ors.

.... petitioners

Mr. Kaushik Chaudhury

....for the petitioners

Mr. B.K. Roy,

Mr. M.F.A. Begg

..... for the State

Apprehending arrest in connection with Balurghat Police Station Case No.187 of 2021 dated 07.04.2021 under Sections 304/34 of the Indian Penal Code, the present application has been preferred.

On the prayer of the learned advocate appearing for the petitioners the present application so far as the petitioner no.4 is concerned is dismissed as infructuous since he had already been arrested in the meantime.

He further submits that the petitioners have been falsely implicated in the alleged incident. The allegations are omnibus in nature. The complaint was lodged about 45 days after the alleged incident. In the said conspectus, custodial interrogation is not necessary and they may be granted anticipatory bail on any stringent condition.

Mr. Roy, learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to

several documents in the case diary including the statements of the witnesses, the medical report and the *post-mortem* report.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

Prima facie, there are incriminating materials against the petitioner nos. 1,2 and 3. Considering the seriousness of the offence and the extent of complicity of the petitioners, we are not inclined to exercise any discretion in their favour.

Accordingly, the application for anticipatory bail being C.R.M. No.4404 of 2021 is dismissed.

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.)