

16.12.2021

Item no.561
Court No.32
Avijit Mitra

C.R.M.4754 of 2021

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

And

In Re : Utpal Sarkar

.... petitioner

Mr. Sekhar Kumar Basu, Sr. Adv.,

Mr. Saryati Datta,

Mr. Ranadeb Sengupta

....for the petitioner

Ms. Zareen N. Khan,

Ms. Sreeparna Das

..... for the State

Apprehending arrest in connection with Dhaniakhali Police Station Case No.94 of 2021 dated 04.05.2021 under Sections 143/448/341/325/326/307/302/354 of the Indian Penal Code, the present application has been preferred.

Mr. Basu, learned senior advocate appearing for the petitioner submits that the petitioner has been falsely implicated in an incident which occurred on 4th May, 2021. The allegations are omnibus in nature. No overt act has been attributed to the petitioner. Upon completion of investigation chargesheet has also been submitted and as such, custodial interrogation is not necessary.

Learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to several documents in the case diary including the statements of the witnesses, as recorded under Sections 161 and 164 of the Code and the *post-*

mortem report. She further submits that another co-accused, similarly situated with the petitioner, was denied anticipatory bail by a Coordinate Bench of this Court by an order dated 8th November, 2021 passed in CRM no.3920 of 2021.

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

Prima facie, upon cumulative assessment of the materials on record, we find that there are incriminating materials against the petitioner and overt act has been attributed to him as well as to one Anjan Ghosh whose prayer for anticipatory bail was turned down by a Coordinate Bench of this Court. Considering the seriousness of the offence and the extent of complicity of the petitioner, we are not inclined to exercise any discretion in his favour.

Accordingly, the application for anticipatory bail being C.R.M. No.4754 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.)