

09.12.2021
Item no.161
Court No.32
Avijit Mitra

C.R.M. 5505 of 2021

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

And

In Re : Balai Sarkar

.... petitioner

Mr. Sujoy Sarkar,
Mr. Musharraf Alam Sk.

....for the petitioner

Mr. P.K. Dutta,
Mr. Santanu Deb Roy

..... for the State

Apprehending arrest in connection with Pukhuria Police Station Case No. 166 of 2021 dated 08.05.2021 under Sections 498A/302/304B of the Indian Penal Code, the present application has been preferred.

Mr. Sarkar, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. The allegations are omnibus in nature and there is no likelihood that the petitioner would flee from justice. In the said conspectus, custodial interrogation is not warranted.

Mr. Deb Roy, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statement of the witnesses as recorded under Section 161 of the Code.

Having heard learned advocates appearing for the respective parties and considering the material in the case diary,

the seriousness of the offence, the nature of allegations, the *post-mortem* report and the extent of complicity of the petitioner in the alleged offence, we are not inclined to exercise any discretion in favour of the petitioner, more so when, the investigation is not yet complete.

Accordingly, the application for anticipatory bail being C.R.M. No.5505 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.)