

10.12.2021
Court No.32
Item No. 191
Krishnendu
Dismissed

**CRM 6062 of 2021
(Via video Conference)**

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure.

And

In re: Sarfaraj Sk. @ Fetu @ Sk. Safraj & Anr.

...Petitioners

Ms. Minoti Gomes

Mrs. Rupanwita Lahiri (Pandit)

... For the Petitioners

Mr. Iqbal Kabir

...For the State

Apprehending arrest in connection with Kaliachak Police Station Case No. 585 of 2021 dated 05.06.2021 under Sections 448/307/506/195(A)/34 of the Indian Penal Code, 1860, the present application has been preferred.

Ms. Gomes, learned advocate appearing for the petitioners submits that there had been a long-standing dispute between the parties and the petitioners have been falsely implicated. She further submits that pertaining to such dispute, a complaint was previously lodged on behalf of the *de facto* complainant. Challenging the same, the petitioners approached this Court and an order was passed on 20.03.2017 directing that there shall be stay of further proceedings in G.R. 3998 of 2015. In the present case, the FIR was initially registered under sections 448/307/506/195(A)/34 of the Indian Code but in the charge sheet, submitted after investigation, section 307 of the I.P.C. was excluded. In the said conspectus

and since investigation is complete, custodial interrogation is not warranted.

The learned advocate appearing for the State, opposes the petitioners' prayer and draws our attention to the statements of witnesses, as recorded under section 161 of the Code of Criminal Procedure.

We have heard the learned advocates appearing for the respective parties and considered the materials on record.

Prima facie, we find that there are incriminating materials against the petitioners which reveal direct involvement of the petitioners in the alleged offence. Considering the extent of complicity of the petitioners, we are not inclined to exercise any discretion in their favour.

The application for anticipatory bail, being CRM No. 6062 of 2021, is, accordingly, 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.)