

17.12.2021

Court No.32
rpan / **273**

CRM 7397 of 2021

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

And

In re: **Sk. Samadullah & Others**

- Petitioners

Mr. Sekhar Kumar Basu,
Mr. Kusal Kumar Mukherjee,
Mr. Diptangshu Basu
... for the Petitioners.

Mr. Y. J. Dastoor, Ld. ASG,
Mr. Phiroze Edulji,
Mr. Samrat Goswami
... for the CBI.

Apprehending arrest in connection with Mallarpur Police Station Case No. 101 of 2021 dated 16.05.2021 under Sections 341/325/304/34 of the Indian Penal Code [subsequently registered as, **CBI, SCB Kolkata vide branch case No. RC056202150020 dated 27.08.2021**], the present application has been preferred.

Mr. Basu, learned senior advocate appearing for the petitioners submits that there is a political rivalry amongst the parties and the petitioners have been falsely implicated. The allegations are omnibus in nature and the complaint was lodged about eight days after the alleged incident. In view thereof, custodial interrogation is not warranted.

Mr. Dastoor, learned Additional Solicitor General appearing for the CBI opposes the petitioners' prayer and submits that their names feature in the statements of the witnesses, as

recorded under Sections 161 and 164 of the Code and also in the dying declaration. The victim succumbed to the injuries inflicted by sharp cutting weapon. Most of the accused persons are still absconding and investigation is not yet complete.

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

Prima facie, we find strong incriminating materials against the petitioners herein. Considering the post-mortem report, the statements of the witnesses, the seriousness of the offence and the extent of complicity of the petitioners, we are not inclined to exercise any discretion in their favour, more so when, investigation is not yet complete.

The application for anticipatory bail, being CRM No.7397 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)