

17.12.2021

Court No.32
rpan / **274**

C.R.M. 7407 of 2021

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

And

In re: **Abu Taher**

- Petitioner

Mr. Soumik Ganguly,

Mr. Diptendu Banerjee

... for the Petitioner.

Mr. Madhusudan Sur,

Mr. Dipankar Paramanick

... for the State.

Apprehending arrest in connection with Ketugram Police Station Case No.75 of 2021 dated 21.02.2021 under Sections 302/120B of the Indian Penal Code, 1860, the present application is filed praying for anticipatory bail by the petitioner.

The learned lawyer for the petitioner, Mr. Ganguly submitted that the whole case is based on circumstantial evidence without having any direct or substantial piece of evidence against the present petitioner. The present petitioner is the son-in-law of the victim and he has no connection with the alleged crime. Learned lawyer also submitted that at the time of incident the petitioner was not present in the State. He returned to the State subsequently. It is further stated that the present petitioner is falsely implicated and there are hardly any incriminating elements against the present petitioner. In such premises and factual situation, anticipatory bail is prayed for.

Per contra, learned lawyer representing the State submitted that strong incriminating elements are there against the petitioner, as appears from the statement of the witnesses.

Chargesheet is submitted in the present case showing the present petitioner is absconding for the present. Therefore, he strongly opposed the anticipatory bail.

We have perused the case diary, heard rival submissions. It is fact that chargesheet has been filed for which custodial detention is not necessary. But we are also mindful of the fact that the petitioner is gainfully employed outside the State and use to make to and fro journey thereto, as submitted by the learned lawyer for the petitioner. Considering the seriousness and gravity of the allegation, extent of incriminating elements, we are not inclined to exercise our discretion and the application of anticipatory bail stands rejected.

The application for anticipatory bail, being CRM No. 7407 of 2021 is, thus, 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.)