

17.12.2021
Item no.283
Court No.32
Avijit Mitra

C.R.M.7445 of 2021

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

And

In Re : Amrul Mondal & ors.

.... petitioners

Mr. Angshuman Chakraborty,

Mr. Shashanka Shekhar Saha

....for the petitioners

Mr. Sudip Ghosh,

Mr. Bitasok Banerjee

..... for the State

Apprehending arrest in connection with Domkal Police Station Case No.584 of 2021 dated 27.09.2021 under Sections 302/34 of the Indian Penal Code, the present application is filed praying for anticipatory bail.

Learned lawyer representing the petitioners, submitted that the death of the victim was caused by accident. It is not a case of murder, as alleged. Incriminating elements are not there against the present petitioners. In fact, according to the learned lawyer, the petitioners are falsely implicated for which anticipatory bail is prayed for.

Per contra, learned lawyer for the State, submitted that strong incriminating elements are there against the present petitioners in the case diary. Statement of accused persons, statements of the neighbours and other materials strongly implicates the present petitioners and indicate commission of an

offence of murder, not an accident. Investigation is still pending for which custodial detention may be necessary. Accordingly, learned lawyer for the State opposes the anticipatory bail application.

We have heard rival submissions and perused the case diary. We have also perused the statements of the accused, *post-mortem* report, statement of the witnesses and other materials. We find strong incriminating elements are there in the case diary. The offence is grave and serious. Investigation is still pending. Therefore, we are not inclined to allow the anticipatory bail and the same is rejected.

Accordingly, the application for anticipatory bail being C.R.M. No.7445 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.)