

CRM 7488 of 2021
(via video conference)

Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

In the matter of : **Gagan Sarkar & Ors.**

..... petitioners

Mr. Krishnendu Bhattacharya
Mr. Priyankar Ganguly

.....For the petitioners

Md. Anwar Hossain
Ms. Sreyashee Biswas

.....For the State

Apprehending arrest in connection with Karimpur Police Station Case No. 122/2021 dated 25.06.2021 under Sections 304/34 of the Indian Penal Code, the present application has been preferred.

Mr. Bhattacharya, learned advocate for the petitioners submits that the petitioners have been falsely implicated. The allegations are omnibus in nature. Upon completion of investigation, charge sheet has also been submitted and as such, custodial interrogation of the petitioners is not necessary.

Learned advocate for the State draws our attention to several documents in the case diary. He further submits that the petitioners have been absconding and the charge sheet has been submitted stating, *inter alia*, that all the accused persons had fled away.

Having heard learned advocates appearing for the respective parties and considering the materials in the case diary, nature of accusation, seriousness of the offences, the

post mortem report and the extent of complicity of the petitioners in the alleged offence, we are not inclined to exercise discretion in their favour and as such, their prayer for anticipatory bail is refused.

The application, being CRM 7488 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.)