

04.03.2021  
Court No.28  
Item No. 11  
Krishnendu  
Rejected

**CRM 8178 of 2020**  
**(Via video Conference)**

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

And

In Re : **Nakul Sarkar & Ors.**

Petitioners

Mr. Mazhar Hossain Chowdhury

For the Petitioners

Ms. Sukanya Bhattacharya

Md. Kutubuddin

For the State

Mr. Koustav Bagchi

For the *De facto* complainant

Apprehending arrest in connection with Gangarampur P.S.

Case No. 343 of 2020 dated 28.09.2020 under sections 343/323/336/354/34 of the Indian Penal Code, 1860, the petitioners have filed the present application.

The learned advocate appearing for the petitioners submits that there was a dispute between the family of the petitioners and the family of the deceased. The allegations levelled against the petitioners are in the abstract and the materials would not reveal any involvement of the petitioners in the alleged offence. In the said conspectus, custodial interrogation of the petitioners is not necessary.

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

Mr. Koustav Bagchi, learned advocate appears on behalf of the *de facto* complainant.

Having heard the learned advocates appearing for the respective parties and considering the materials in the case diary, the gravity of the offence, the nature of allegations and the extent of complicity of the petitioners in the alleged offence, we are not inclined to exercise any discretion in favour of the petitioners. As such, their prayer for anticipatory bail is rejected.

The application for anticipatory bail, being CRM 8178 of 2020 is, thus, dismissed.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)