

04.03.2021
Item no.47
Court No.28
Avijit Mitra

C.R.M. 10798 of 2020 (through video conference)

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with Thanarpara Police Station Case No.193 of 2020 dated 09.09.2020 under Sections 379/411/413/414 of the Indian Penal Code;
And

In Re : Marjem Shaikh & anr.

.... Petitioners

Mr. Amanul Islam,
Mr. Sourav Mukherjee

...for the petitioners

Md. Anwar Hossain,
Ms. Ratna Ghosh

...for the State

Learned advocate appearing for the petitioners submits that the petitioners have been falsely implicated. The allegations levelled against the petitioners are in the abstract and the materials would not disclose the petitioners' involvement in the alleged offence. Upon completion of investigation the chargesheet has also been filed and petitioners do not have any criminal antecedents. In view thereof, custodial interrogation of the petitioners is not necessary.

Learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to the statements of the witnesses under Section 161 of the Code.

Having heard the learned advocates and considering the materials in the case diary, *prima facie* it appears that the seizure was effected from the residence of the

petitioners. In view thereof, we are not inclined to exercise any discretion in favour of the petitioners and as such the prayer for anticipatory bail is rejected.

Accordingly, the application being C.R.M. No. 10798 of 2020 is dismissed.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)