

11.03.2021
Court No.28
Item No. 22
Krishnendu
Rejected

CRM 10870 of 2020
(Via video Conference)

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

And

In Re : **Sk. Anisuddin & Anr.**

Petitioners

Mr. Mahaboob Ahmed

For the Petitioners

Mr. Sudip Ghosh

Mr. Apurba Kumar Dutta

For the State

Apprehending arrest in connection with Bhagawanpur P.S. Case No. 128 of 2020 dated 02.06.2020 under sections 302/34 of the Indian Penal Code, the petitioners have filed the present application.

The learned advocate appearing for the petitioners submits that there was a long-standing land dispute between the petitioners and the family of the *de facto* complainant. The petitioners have been falsely implicated. No overt act has been attributed to the petitioners and in the said conspectus, custodial interrogation of the petitioners is not warranted.

Mr. Ghosh, learned advocate appearing for the State opposes the petitioners' prayer for anticipatory bail and draws our attention to the statement of an injured witness, as recorded under section 164 of the Code of Criminal Procedure.

Having heard the learned advocates appearing for the respective parties and considering the materials in the case diary, the statement of the injured witness 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, the prayer for anticipatory bail of the petitioners is refused.

The application for anticipatory bail, being CRM 10870 of 2020 is, thus, dismissed.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)