

12.03.2021.  
Item No. 135  
(Rejected)

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**C.R.M. 11036 of 2020**

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 16.12.2020 in connection with Baduria P.S. Case No. 553 of 2020 dated 28.09.2020 under Sections 323/326/307/448/34 of the Indian Penal Code;

And

In the matter of : **Paran Gazi and others.**

... petitioners.

Mr. Md. Jannat Ul Firdous.

..For the petitioners.

Mr. Zareen N. Khan,

Mr. Mirza Firoj Ahmed Begg.

...For the State.

Apprehending arrest in connection with Baduria P.S. Case No. 553 of 2020 under Sections 323/326/307/448/34 of the Indian Penal Code, the petitioners have filed the instant application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

The learned Advocate for the petitioners submits that the petitioners have been falsely implicated in the present case. There has been a dispute over the family property. He hands over a deed of gift executed by the victim in favour of the defacto complainant. He further submits there has been a delay of 90 days in lodging the First Information Report.

The learned advocate for the State opposes the prayer for anticipatory bail and submits that the victim was hospitalized for about 14 days.

Having regard to the medical report and the statement recorded under Section 161 of the Code of Criminal Procedure, prima facie, disclosing complicity of the petitioners in the alleged offence, we are of the opinion that

at the stage of investigation it may not be proper to grant the benefit of anticipatory bail in favour of the petitioners.

Accordingly, the prayer for anticipatory bail of the petitioners is **rejected**.

**(Harish Tandon, J.)**

**(Kausik Chanada, J.)**