

25.03.2021

CRM 11065 of 2020

Court No.02
Item No.147
(REJECTED)

akd

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed on 22.12.2020 in connection with Kushmandi Police Station Case No. 116 of 2020, dated 12.12.2020 under Sections 326/307 of the Indian Penal Code.

And

In the matter of : **Susanta Sarkar @ Sushan & Ors.**
...Petitioners

Ms. Jeenia Rudra.

...For the Petitioners

Mr. Madhusudan Sur,
Mr. Monoranjan Mahata.

...For the State.

Apprehending arrest in connection with Kushmandi Police Station Case No. 116 of 2020 under Sections 326/307 of the Indian Penal Code, the petitioners have filed the instant application for anticipatory bail.

It is submitted by the learned Advocate appearing for the petitioners that she is not pressing the instant application for anticipatory bail in respect of petitioner nos. 1 and 2, as they have already been arrested. She only presses the application for anticipatory bail in respect of petitioner nos. 3 and 4. According to her, they have been falsely implicated in the instant case and there is no element of proof pertaining to the involvement in the complicity of the alleged offence.

On the other hand, the learned Advocate for the State opposes the prayer for anticipatory bail. He relies upon the statements of other witnesses recorded under Section 161 of the Code of Criminal Procedure and the post mortem report. He submits that there are incriminating materials against the present petitioners, i.e. petitioner nos. 3 and 4 and, therefore, their prayer for anticipatory bail should be rejected.

After hearing the submissions so advanced by the respective parties and perusing the materials available in the case diary, more particularly the statements of other witnesses recorded under Section 161 of the Code of Criminal Procedure as well as considering the cause of death shown in the post mortem report, we do not find

that the present petitioners have been able to make out the case for getting the privilege of anticipatory bail. Furthermore some of the witnesses had also narrated the incident and, therefore, the complicity of the petitioners to the alleged offence cannot be ruled out at this stage.

Therefore, the prayer for anticipatory bail in respect of petitioner nos. 3 and 4 is rejected.

The application for anticipatory bail in respect of petitioner nos. 1 and 2 is dismissed as not pressed.

The application for anticipatory bail, being CRM 11065 of 2020, is thus **dismissed**.

(Harish Tandon, J)

(Abhijit Gangopadhyay, J.)