

19.03.2021

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AN/ Ct. No. 4

C.R.M. 11198 of 2020

In Re : An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Katwa Police Station Case No. 253/2020 dated 10.09.2020 under sections 302/120B of the Indian Penal Code read with Sections 25/27 of the Arms Act and 3/4 of the E.S. Act corresponding to G. R. Case No. 701/2020 of the Dowry Prohibition Act.

And

In the matter of : **Matiar Rahaman Sakh @ Moti Sk. & Ors.**
... Petitioners.

Mr. Navanil De

... for the Petitioners.

Mr. Sudip Ghosh
Mr. Bitasok Banerjee

... for the State.

The present application under Section 438 of the Code of Criminal Procedure, 1973 filed at the instance of **Matiar Rahaman Sakh @ Moti Sk. & Ors.** is taken up for hearing and order.

It is submitted on behalf of the petitioners that the petitioners are innocent and charge sheet has been submitted in this case.

The State opposes the prayer for bail and refers to statement of witnesses under Section 164 of the Code of Criminal Procedure. The State points out that warrant of

proclamation and attachment has been executed against the petitioners.

At the outset it should be stated that as warrant of proclamation and attachment has been executed against the petitioners who are absconding for quite sometime, the present application under Section 438 of the Code of Criminal Procedure does not lie.

On merits, allegation against the petitioners is extremely grave and involvement of the petitioners is prima facie found in the case diary.

Considering the gravity of the offence, prayer for anticipatory bail is **rejected**.

CRM 11198 of 2020 is disposed of.

(**Arindam Sinha, J.**)

(**Suvra Ghosh, J.**)