

21.09.2021
Court No.01
Item No. 34
Rejected
Krishnendu

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

**CRM 281 of 2021
(Via Video Conference)**

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

And

In Re : **Radhakanta Barman & Ors.**

Petitioners

Mr. Sudip Guha

For the Petitioners

Mr. Ujjwal Luksom

Mr. Aniruddha Biswas

For the State

Apprehending arrest in connection with Boxirhat Police Station

Case No. 226 of 2020 dated 24.12.2020 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
the petitioners have been falsely implicated on the basis of a political
rivalry. Upon completion of investigation, charge sheet has already
been submitted and, as such, custodial interrogation of the petitioners
is not necessary. He further submits that the complainant has executed
a declaration before the Notary Public on 10th March, 2021 stating,

inter alia, that his father was killed due to political rivalry and he does not want to proceed with the case. Let a copy of the said declaration, as produced, be kept on record.

The learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to several documents in the case diary, including the post mortem report.

Having heard the learned advocates appearing for the respective parties and considering the materials in the case diary, particularly the post mortem report, the gravity of the offence and the extent of complicity of the petitioners in the alleged crime, we are not inclined to exercise any discretion in their favour. Accordingly, the prayer for anticipatory bail is refused.

The application for anticipatory bail, being C.R.M. No. 281 of 2021 is dismissed.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Abhijit Gangopadhyay, J)

(Tapabrata Chakraborty, J)

