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28.01.2022
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CRM (A) 7 of 2022
(via video conference)

Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

In the matter of : **MoJahar Sk**

..... petitioner

Mr. Manas Kumar Das

.....For the petitioner

Mr. Tanmay Kumar Ghosh
Ms. Sonali Bhar

.....For the State

Apprehending arrest in connection with Kandi Police Station Case No. 385 of 2021 dated 29.07.2021 under Sections 341/326/307/34 of the Indian Penal Code, the present application has been preferred.

Mr. Das, learned advocate appearing for the petitioner submits that there is a subsisting civil suit between the parties and the petitioner has been falsely implicated. The allegations are omnibus in nature and upon completion of investigation, charge sheet has also been submitted. In view thereof, custodial interrogation is not necessary.

Mr. Ghosh, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statements of the witnesses and the injury report. He further submits that though raids were conducted, the petitioner could not be arrested. Another co-accused person, namely, Rahul Sk. could only be arrested.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

Prima facie, we find incriminating materials in the case diary against the petitioner and it also appears that he had been absconding. Considering the nature of injury, the nature of accusations and the extent of complicity of the petitioner, we are not inclined to exercise any discretion in his favour. As such, his prayer for anticipatory bail is refused.

The application being CRM (A) 7 of 2022 is, accordingly, dismissed.

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

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)