

17.03.2022

Court No.32
rpan / 121
SM,J.

CRM (A) 87 of 2022

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

And

In Re.: **Ismail Sk.**

- Petitioner

Mr. Mazhar Hossain Chowdhury,
Mr. Ali Ahsan Alamgir,
Ms. Mobashshara Alam
Ms. Rabia Khatun
... for the Petitioner.
Mr. Swapan Banerjee,
Mr. Anindya Sundar Chatterjee
... for the State.

Apprehending arrest in connection with Kaliachak Police Station Case No.511 of 2020 dated 04.07.2020 under Sections 302/34 of the Indian Penal Code, 1860, the Petitioner files the instant application praying for anticipatory bail.

Mr. Alamgir, Learned Lawyer appearing for the Petitioner submitted that the present Petitioner is not the principal accused. While the victim assaulted his wife in inebriated condition, the principal accused, namely, one Md. Rasidul Hoque objected to that and in course of hot altercation assaulted on the victim's head with a wooden rod, as a result of which the victim became senseless and subsequently died. The present Petitioner had no role to play in that. He further submitted that there is no motive on the part of the present Petitioner to commit the alleged offence, although undeniably he was on the spot. According to him, since Chargesheet has been filed, custodial detention is not necessary. Accordingly, he prayed for anticipatory bail.

Per contra, Mr. Chatterjee, Learned Lawyer appearing on behalf of the State strongly objected the anticipatory bail of the petitioner on the grounds that the allegations are grave and serious, he is absconding and there are strong incriminating materials in the Case Diary against him.

We have heard rival submissions. Perused the C.D.

Undeniably the Petitioner is absconding for about two years. Chargesheet has been submitted showing him absconding. The conduct of the Petitioner is not proper. Accordingly, we are not inclined to allow anticipatory bail to him and the same stands rejected.

The application for anticipatory bail, being CRM (A) 87 of 2022 is, thus, 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.)